

preference in appointments to civil-service positions concerned with the national defense; to the Committee on the Civil Service.

By Mr. SUMNERS of Texas:

H. R. 10374. A bill to provide for the appointment of one additional United States district judge for the eastern district of Missouri; to the Committee on the Judiciary.

H. R. 10375. A bill to provide for the appointment of one additional United States district judge for the northern district of Ohio; to the Committee on the Judiciary.

By Mr. VINSON of Georgia:

H. R. 10376. A bill to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," as amended; to the Committee on Naval Affairs.

By Mr. MALONEY:

H. J. Res. 594. Joint resolution acquiescing in the interpretation of a donation to the United States of America; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANGELL:

H. R. 10377. A bill for the relief of Anna H. Kaye; to the Committee on Claims.

By Mr. DEMPSEY:

H. R. 10378. A bill for the relief of Emiliano Lopez and Eliza R. Lopez; to the Committee on Claims.

By Mr. GREEN:

H. R. 10379. A bill for the relief of Evanell Durrance; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9181. By Mr. BOLLES: Resolution of the Wisconsin State Employees Association, protesting against the enactment of the Burke-Wadsworth bill; to the Committee on Military Affairs.

9182. Also, petition of sundry citizens of Beloit, Wis., protesting against the Burke-Wadsworth bill providing peace-time conscription; to the Committee on Military Affairs.

9183. By Mr. GOSSETT: Telegram from W. R. Duke advising unanimous endorsement by meeting of Wichita Falls Post of Veterans of Foreign Wars of conscription and tendering their services in any possible capacity; to the Committee on Military Affairs.

9184. By Mr. GREGORY: Petition of Dr. S. B. Pulliam and others of Paducah, Ky., requesting all possible aid for England; to the Committee on Military Affairs.

9185. By Mr. LAMBERTSON: Petition of Mrs. Henry Rieder and 14 other citizens of Bern, Kans., urging Congress to defeat any conscription act at this time; to the Committee on Military Affairs.

9186. Also, petition of Mrs. Seeberger and 200 other citizens of Hanover, Kans., urging the President and Congress of the United States to think of peace and to speak of peace and to avoid all commitments which would involve us in war; to the Committee on Military Affairs.

9187. By Mr. REED of Illinois: Petition of Mrs. L. L. Kumlien, of Dundee, Ill., and 450 other signers, opposing the sending of American soldiers to war on foreign soils; to the Committee on Military Affairs.

9188. By the SPEAKER: Petition of the New York State Police Conference, held at New York City, N. Y., petitioning consideration of their resolution with reference to preparedness; to the Committee on Military Affairs.

9189. By Mr. LAMBERTSON: Petition of Josie A. Morford and 11 other citizens of Jackson County, Kans., urging Congress to defeat any measure proposed to force compulsory military training upon the youth of America; to the Committee on Military Affairs.

9190. By Mr. FULMER: Resolution submitted by Messrs. Henry Busbee and F. R. Trowbridge and adopted by the Aiken

County Post, No. 26, the American Legion, Department of South Carolina, at its meeting held on August 14, 1940, endorsing the Burke-Wadsworth conscription bill; to the Committee on Military Affairs.

9191. Also, telegram from W. M. Richardson, Jr., president Orangeburg Junior Chamber of Commerce, Orangeburg, S. C., expressing faith in our future and confidence in the willingness of our young men to make any sacrifices necessary, we tender to the Nation the services of our members and organization in the establishment of adequate national defense; to the Committee on Military Affairs.

9192. Also, resolution submitted by J. L. McInnes, post adjutant, and passed by Robert O. Purdy, Jr., Post, No. 3034, Sumter, S. C., Veterans of Foreign Wars of the United States, at its last meeting August 12, 1940, of 3,034 veterans of foreign wars, urgently request our Senators and Representatives in Congress to do their utmost to make it possible for the immediate transfer of 50 or more destroyers to the British Army; to the Committee on Military Affairs.

9193. By the SPEAKER: Petition of the Hawaiian-Japanese Civic Association, Territory of Hawaii, Judge Clarence Y. Shimamura, petitioning consideration of their resolution with reference to American democracy; to the Committee on the Territories.

SENATE

TUESDAY, AUGUST 20, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, the fountain of wisdom, whose statutes are good and gracious, and whose law is truth: We beseech Thee so to guide and bless the Senate of the United States that it may ordain for our governance only such things as please Thee, to the glory of Thy name and the welfare of all the people of this Nation. Through Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, August 19, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Schwellenbach
Andrews	Downey	La Follette	Sheppard
Ashurst	Ellender	Lee	Shipstead
Austin	Frazier	Lodge	Smathers
Bankhead	George	Lundeen	Stewart
Barbour	Gerry	McCarran	Taft
Barkley	Gibson	McKellar	Thomas, Idaho
Bone	Gillette	McNary	Thomas, Okla.
Bridges	Glass	Maloney	Thomas, Utah
Bulow	Green	Mead	Tobey
Burke	Guffey	Miller	Townsend
Byrd	Gurney	Minton	Truman
Byrnes	Hale	Neely	Tydings
Capper	Harrison	Norris	Vandenberg
Caraway	Hatch	Nye	Van Nuys
Chandler	Hayden	Pepper	Wagner
Chavez	Herring	Pittman	Walsh
Clark, Idaho	Hill	Radcliffe	Wheeler
Clark, Mo.	Holt	Reed	White
Connally	Hughes	Reynolds	Wiley
Danaher	Johnson, Calif.	Russell	
Davis	Johnson, Colo.	Schwartz	

Mr. MINTON. I announce that the Senator from Louisiana [Mr. OVERTON] is absent because of illness.

The Senator from Illinois [Mr. LUCAS] is in camp with the Illinois National Guard and is therefore necessarily absent.

The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Montana [Mr. MURRAY],

the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Illinois [Mr. SLATTERY], and the Senator from South Carolina [Mr. SMITH] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. HOLMAN] is absent on official business.

The PRESIDENT pro tempore. Eighty-six Senators have answered to their names. A quorum is present.

TREATMENT OF IMPORTED NARCISSUS BULBS

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of Agriculture, in response to Senate Resolution 280 (submitted by Mr. SCHWELLENBACH and agreed to June 22, 1940), requesting the Secretary of Agriculture to issue an order concerning the treatment of imported narcissus bulbs, which was referred to the Committee on Agriculture and Forestry.

SEAMEN'S PROTECTION CERTIFICATES

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to repeal sections 4588 and 4591 of the Revised Statutes of the United States, relating to seamen's protection certificates, which, with the accompanying paper, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution of Local 1-6, Warehouse Union, San Jose (Calif.) Unit, favoring the enactment of legislation granting full voting rights to citizens engaged in military service regardless as to where the place of duty may be located, which was referred to the Committee on Privileges and Elections.

He also laid before the Senate a resolution of Lodge No. 4310, International Workers' Order, in the State of California, protesting against the enactment of compulsory military training legislation, which was ordered to lie on the table.

He also laid before the Senate a resolution of Local 1-6, Warehouse Union, San Jose (Calif.) Unit, protesting against the enactment of compulsory military training legislation, and also against the employment of forced labor in industry, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. CLARK of Missouri, from the Committee on Commerce, to which was referred the bill (S. 3612) to authorize the Secretary of War to accept, as loans, from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes, reported it with amendments and submitted a report (No. 2017) thereon.

Mr. BYRD, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9636) authorizing the conveyance to the Commonwealth of Virginia of a portion of the naval reservation known as Naval Proving Ground, Dahlgren, Va., reported it without amendment and submitted a report (No. 2018) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 4207) to provide uniformity in temporary promotions in the Army of the United States in time of emergency, reported it with an amendment and submitted a report (No. 2019) thereon.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on August 16, 1940, that committee presented to the President of the United States the enrolled bill (S. 3954) relating to the issuance by the Secretary of the Interior of a patent to the State of Minnesota for certain lands in that State.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARBOUR:

S. 4285. A bill for the relief of Michael Littlestone; to the Committee on Naval Affairs.

(Mr. CLARK of Missouri introduced Senate bill 4286, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

By Mr. CLARK of Missouri:

S. 4287. A bill for the relief of Charles S. Ladinsky and Moe Kanner; to the Committee on Claims.

By Mr. NYE:

S. 4288. A bill for the relief of T. T. Landa; to the Committee on Claims.

WILLIAM LENDRUM MITCHELL

Mr. CLARK of Missouri. Mr. President, I ask consent to introduce a bill for reference to the Committee on Military Affairs, and, inasmuch as it is very brief, I request unanimous consent that it may be read for information.

There being no objection, the bill (S. 4286) relating to the military record of William Lendrum Mitchell was read the first time by its title, the second time at length, and referred to the Committee on Military Affairs, as follows:

Be it enacted, etc., That the President is authorized to issue posthumously to the late William Lendrum Mitchell, formerly a colonel, United States Army, a commission as a major general, United States Army, with the date and rank as of —, 1936.

Sec. 2. The Secretary of War is authorized and requested to amend the records of the War Department so as to show that the said William Lendrum Mitchell was a major general, United States Army, at the time of his death in 1936.

SELECTIVE COMPULSORY MILITARY SERVICE—AMENDMENTS

Mr. BARBOUR submitted an amendment, and Mr. MALONEY submitted an amendment in the nature of a substitute, intended to be proposed by them, respectively, to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were ordered to lie on the table and to be printed.

Mr. LODGE. Mr. President, I submit an amendment intended to be proposed by me to the pending bill (S. 4164), which I ask to have printed and lie on the table. I shall discuss the amendment later. It limits the age range from 21 to 25 years.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

SUPPLEMENTAL NATIONAL-DEFENSE APPROPRIATIONS—AMENDMENTS

Mr. BARBOUR submitted two amendments intended to be proposed by him to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, which were ordered to lie on the table and to be printed, as follows:

On page 12, after line 12, to insert the following:

"Naval Supply Depot, Bayonne, N. J., area: Fleet supply facilities, including buildings and accessories, and acquisition of land, \$5,000,000."

On page 24, after line 10, to insert the following:

"Third Naval District: Graving dry dock and accessory construction, New York Harbor, \$7,000,000."

Mr. MEAD submitted two amendments intended to be proposed by him to House bill 10263, supra, which were ordered to lie on the table and to be printed, as follows:

On page 10, line 5 (under the heading "Naval Establishment—Public Works, Bureau of Yards and Docks"), to strike out "\$48,315,000", as proposed by the Senate Committee on Appropriations, and in lieu thereof to insert "\$53,315,000."

On page 24, after line 10, to insert the following:

"Third Naval District: Graving dry dock and accessory construction, New York Harbor, participation with the Port of New York Authority, \$10,000,000."

MARY BROWN

Mr. TYDINGS submitted the following resolution (S. Res. 297), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Mary Brown, sister of Herbert C. Francis, late a laborer of the Senate under supervision of the Sergeant at Arms, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SALE OR TRANSFER OF NAVAL VESSELS

Mr. WALSH. Mr. President, in view of the discussion as to the legality of the sale or transfer of naval vessels, I request to have printed in the CONGRESSIONAL RECORD a letter and accompanying memorandum of Herbert W. Briggs, professor of international law at Cornell University.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

CORNELL UNIVERSITY,
Ithaca, N. Y., August 17, 1940.

Hon. DAVID I. WALSH,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR WALSH: The assertions made in the Senate on August 15 (CONGRESSIONAL RECORD, p. 15896 ff.) that the sale of United States destroyers to England could be legally accomplished without the approval of Congress appear to be based exclusively on the letter published on August 11 in the New York Times by Messrs. Burlingham, Thacher, Rublee, and Acheson, and reprinted in the CONGRESSIONAL RECORD of August 12 by Senator PEPPER (p. 15604 ff.).

Probably because of the eminence of these men no one has publicly subjected their legal brief to the searching examination it requires.

I am enclosing, for whatever use you may care to make of it, an analysis of their argument. I find the methods by which they reached their result quite shocking, involving as they do suppression of pertinent evidence, misrepresentation of facts, and distorted and strained interpretations.

It is altogether possible that this important issue will not be settled on its legal merits. I do not, however, like to see the legal argument go by default, and I cannot agree with Senator LEE that there is more than one proper interpretation of the laws in question.

With apologies for troubling you again on this matter, I am,

Very truly yours,

HERBERT W. BRIGGS.

MEMORANDUM FOR A REPLY TO BURLINGHAM LETTER

It is somewhat shocking to find four distinguished members of the bar (Burlingham, Thacher, Rublee, Acheson letter, New York Times, August 11, 1940) preparing a brief to facilitate the sale of part of the United States Navy to a foreign power without congressional approval. They fail to prove that any law authorizes such a sale. Ostensibly they prove only that there is a loophole in the law through which the United States destroyers could be slipped to Britain. Their conclusion is reached by the suppression of pertinent information (par. (c) of sec. 14 of the act of June 28, 1940, H. R. 9822, Public No. 671; the full text of rule 1 of the Treaty of Washington of 1871; and Hague Convention XIII, sec. 6); by misrepresenting the purpose of sec. 14 of the act of June 28, 1940, and of sec. 7 of the naval act of July 19, 1940 (H. R. 10100, Public No. 757); by obfuscating the legal issue through an irrelevant discussion of a ruling of the Attorney General of June 24, 1940; and by distorting the plain meaning of section 3 of title V of the act of June 15, 1917 (U. S. C., title 18, sec. 33). Unfortunately for their efforts, no such alleged loophole exists, and the proposed sale would be illegal.

The purpose of section 14 of the act of June 28, 1940, and of section 7 of the act of July 19, 1940, was not to facilitate the transfer of ships from our Navy to a foreign power, but to restrain the Chief Executive from such action. The administration had been caught red-handed in a scheme to release torpedo boats to Britain (through private intermediaries) on the ground that the vessels were "surplus" or "obsolete," although none of the boats had as yet been delivered. Congress decided to establish as a prerequisite that the technical heads of the Army and Navy might veto such transfers, and for fear the President, as Commander in Chief, might order his subordinates to approve the release of vessels as "not essential to the defense of the United States" (cf. CONGRESSIONAL RECORD, 76th Cong., 3d sess., June 21, 1940, p. 13319) Congress required, in section 14 (b), that its appropriate committees be informed of proposed exchanges of military or naval equipment, with the possibility of adequate publicity on the issue. (Cf. CONGRESSIONAL RECORD, 76th Cong., 3d sess., June 21, 1940, pp. 13319-13321, 13370-13371; June 22, p. 13498; July 10, p. 14237; July 11, p. 14378.)

Section 14 (c) of the act of June 28 (which was omitted in the Burlingham letter) provides that "nothing herein shall be construed to repeal or modify sections 3 and 6, title V, of the act approved June 15, 1917 (40 Stat. 222; U. S. C., title 18, secs. 33 and 36)."

Section 3 of the act of June 15, 1917, reads as follows:

"During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States."

The penalty section (sec. 6) for a violation of this law reads that whoever "shall take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be

fined not more than \$10,000 or imprisoned not more than 5 years, or both."

This is the nub of the legal issue. The Burlingham letter professes to regard this law as forbidding only the sending out of the jurisdiction of the United States for the use of a belligerent of vessels built, etc., for a belligerent. This result they obtain by improperly reading section 2 into section 3. Section 2 provides that armed vessels or vessels "manifestly built for warlike purposes," whether domestic or foreign (with one exception irrelevant here) may be detained from leaving United States jurisdiction until, inter alia, the President is satisfied that such vessel will not be used by the owners, master, or persons in charge for belligerent purposes against any state with which the United States is at peace and that "the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them within the jurisdiction of the United States, or having left that jurisdiction, upon the high seas."

Now, manifestly, section 3, which provides that when the United States is neutral "it shall be unlawful to send out of the jurisdiction of the United States (for belligerent use) any vessel built, armed, or equipped as a vessel of war" closes any possible gap in section 2. Section 3 states furthermore that it is the sending out (not the building or delivery in the United States) "with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States" which is unlawful.

Section 3 is based on the first rule of the Treaty of Washington of 1871 which provides an obligation not only to use due diligence to prevent the fitting out for belligerent use, but also "to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within the jurisdiction, to warlike use." The Burlingham letter suppresses this vital clause of rule 1 in order to prove its point. There is no excuse for this sort of deception.

Finally, the Burlingham letter fails to mention article 6 of the Hague Convention XIII of 1907 (36 U. S. Stat. L. 2415) which provides that "the supply, in any manner, directly or indirectly, by a neutral power to a belligerent, of warships, ammunition, or war matériel of any kind whatever, is forbidden." During the present war this Thirteenth Hague Convention was cited as international law (in the *City of Flint* case) by the United States, Germany, Russia, and Norway. In the *Altmark* case, it was cited as international law by Great Britain, Germany, and Norway. In his public utterances Secretary of State Cordell Hull has seldom failed to pledge the United States anew to the observance of international law. Even if acts of Congress are repealed, the destroyers cannot be transferred to Britain without a violation of international law. Do we, in the United States, want our country to adopt Hitler's and Stalin's tactics of tearing up treaties like scraps of paper?

HERBERT W. BRIGGS,

Professor of International Law, Cornell University.

STATEMENT BY SENATOR CHAVEZ ON HIS PRESIDENTIAL PREFERENCE

[Mr. CHAVEZ asked and obtained leave to have printed in the RECORD a statement by him under the heading "Why I will vote for Roosevelt," which appears in the Appendix.]

NEWSPAPER ARTICLES IN OPPOSITION TO THIRD PRESIDENTIAL TERM

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD three articles from the New York Herald Tribune and one article from the Pittsburgh Post-Gazette showing opposition to third Presidential term, which appear in the Appendix.]

SALE OR DISPOSAL OF DESTROYERS—EDITORIAL FROM ST. LOUIS POST-DISPATCH

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD two editorials from the St. Louis Post-Dispatch, one of August 17, 1940, entitled "Dangers of the Destroyer Deal," and the other of August 15, 1940, entitled "Chairman Walsh Against Admiral Stirling," which appear in the Appendix.]

EMBARGO AGAINST JAPAN IN 1918—ARTICLE BY HENRY H. DOUGLAS

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an article by Henry H. Douglas entitled "A Bit of American History—Successful Embargo Against Japan in 1918," which appears in the Appendix.]

ATTITUDE OF RAILROAD BROTHERHOODS TOWARD CONSCRIPTION

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a letter signed by the heads of the five railroad brotherhoods setting forth their attitude on conscription, which appears in the Appendix.]

AIR ROUTE FROM NORFOLK TO CINCINNATI

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial under the heading "May the board

so see it," published in the Daily Advance, Elizabeth City, N. C., issue of August 10, 1940, which appears in the Appendix.]

ASIA FOR THE ASIATICS—UNCLE SAM'S LETTERGRAM

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial under the heading "Asia for the Asiatics," published in the New York Daily News, and an article from the September 1940 issue of the American Vindicator entitled "Uncle Sam's Lettergram," which appear in the Appendix.]

EDITORIAL FROM THE WILMINGTON (N. C.) STAR—"THOSE 'FROZEN' FUNDS"

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial under the heading "Those 'frozen' funds," published in the Wilmington (N. C.) Star of the 10th instant, which appears in the Appendix.]

EDITORIAL FROM WALLACES' FARMER

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD several editorials from Wallaces' Farmer, which appear in the Appendix.]

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. THOMAS of Utah. Mr. President, yesterday, August 19, was named by act of Congress "National Aviation Day." I mention this fact because I wish to point out that the celebrations carried on in the various cities of our country, to which our attention was called yesterday by the junior Senator from New York [Mr. MEAD], were in complete conformity with ideals and hopes and aspirations for the development of aviation in the United States.

I call attention to that fact, too, in opening my discussion today, because aviation day is celebrated to bring about an appreciation of the worth to our country of this great branch of industry.

Aviation, too, is brought to our attention that we may appreciate what has taken place in the world in regard to the character, the planning, and the strategy of war.

I also refer to Aviation Day because I want the Senate, if it can, to catch the spirit of the remarks I am about to make by my directing attention to the fact that in 1935 I introduced in the Senate a measure, which became a law, the Army air base bill. It is upon the Army air base bill that the evolution not only of our Army expansion in regard to aviation has been built but also the theory behind our Civil Aeronautics Authority. When I mention the Civil Aeronautics Authority, I am proud to be able to say that Utah has contributed her part toward the success of this Authority in the person of Robert Hinkley.

Then, too, a little after that time I introduced and helped to carry through the Senate the helium control bill. That bill made a Government monopoly of this gas, which will be extremely necessary in case we should ever turn to lighter-than-air craft for protection, and it gave over to the Government of the United States the complete control of this essential material.

In connection with the Neutrality Act, in connection with the helium control bill, in connection with another important bill, the strategic materials bill, which I had the honor to introduce and to guide through the Senate, there was set up and established the Munitions Control Board, through which the Government keeps track of the exportation of all war materials. In speaking about the Munitions Control Board, I wish to emphasize the fact that the extremely long-range measure under which this Board was created, a measure looking to the future, had in it also the element of developing and bringing the resources of our Nation to the use of the people of the United States not only in wartime but in peacetime.

If, therefore, my mind runs to defense of the pending bill, it will be found that my argument will be based almost entirely upon intimate knowledge of the evolutionary steps which our Government has taken in the legal aspects of preparation for

possible war by building basically proper legislation so that if and when the emergency shall come we will find ourselves better prepared than we were at the time of the last great emergency.

I should call attention also to the fact that after the National Defense Act of 1916, on which were based the preparedness program initiated by President Wilson, and, too, all of the acts which related to military and naval expansion during the World War, came into existence just before the World War, there was passed by the Congress of the United States the Defense Act of 1920, on which is based every piece of legislation which has come into existence since that time along defense lines.

In other words, then, I wish to support the pending measure by showing that it consistently has a place in the growth and development of our defense program as it has been worked out through the years. There is nothing startlingly new about it. The National Defense Act of 1920 had in it the conscription theory, which was rejected at that time, probably properly rejected, because I believe in building legislation on two bases; first, that we may be properly prepared so that we can expand to meet any type of eventuality; secondly, not to use all types, imagining that they are necessary at all times.

In 1922 the Army and the Navy together consistently sponsored the Military Pay Act, which is an act it is well to keep in mind when we consider the proposed legislation which is before us. A few days ago the National Guard and Reserve bill was passed by this body, and is now in conference, and will become law.

If we review these acts step by step it will be seen that there has been a natural continuity leading up to the pending measure, and if we have accepted the theory behind all of these past acts, plus the theories which we have accepted behind the various appropriation bills for the increase of our Army and our Navy, we can see that that which we are doing is a culmination of an orderly process, and that which we will do under the Selective Draft Act will be the completion of an orderly process carried on in an orderly way.

Mr. President, I am sure the one thought that is in the minds of all the Members of Congress in connection with the legislation which has to do with the increase of matériel and material, and legislation which has to do with the increase of our Army and Navy, the thing which is consciously in the minds of all of us is that which can be summed up in one paragraph, which has constantly been on my mind, and which impressed me the first time I read it, years ago. The paragraph I take from a book by Ernest W. Young, The Wilson Administration and the Great War. I read from page 122, where Mr. Young quotes General Pershing:

General Pershing, in his preliminary report of November 20, 1918, said:

"Among our most important deficiencies in materials were artillery, aviation, and tanks."

General Pershing, in referring to tanks in his report, points out a deficiency which could not have been anticipated, of course, when the war opened, because the tank was definitely an evolution of the war itself or brought about as a result of changed conditions in the war.

Continuing, General Pershing said:

We accepted the offer of the French Government to provide us with the necessary equipment of 3-inch and 6-inch guns for 30 divisions. There were no guns of the caliber mentioned manufactured in America on our front at the date the armistice was signed. * * * In aviation we were in the same situation. We obtained from the French the necessary planes for training our personnel, and they have provided us with a total of 2,676 pursuit, observation, and bombing planes.

From the French side Andre Tardieu, an army officer and a member of the Chamber of Deputies, says:

"On the day of the armistice, of the United States Army's war material then in line, France had manufactured 100 percent of the .75's, 100 percent of the .155's, howitzers, 100 percent of the tanks, 81 percent of the airplanes, 75 percent of the long guns. All of the 65,000,000 rounds of .75 and .155 shells used by the American artillery came from French factories."

Mr. President, we are all conscious of that situation. We are also conscious of the situation which then faced us with regard to men. But before I go into the matter of selective

draft I wish to take up some of the arguments that are being mentioned in regard to the pending bill, and use an actual argument, which has been sent to me, to show how completely uninformed—or I had better say how ill-informed well-informed persons are, because the letter from which I shall quote is well written, it shows that it comes from a cultured person who must be well informed on most things generally, but these are the statements that are made in the letter:

I want to go on record as opposing the proposed conscription bill for the following reasons: France proved it was no solution to an adequate defense.

France's downfall proved nothing in regard to conscription. If, for example, conscription was the cause of France's downfall, conscription also may be credited with being the reason for Germany's success. In each case, of course, the statement is improper and invalid.

I continue to quote:

Taking 12,000,000 men out of private industry with loss of pay will be economically disastrous, for it will cut down the consumer buying power to an enormous extent. This, with the increase in the taxes which are already felt in entire living costs, will lead further to widespread depression.

Mr. President, there is no provision in the bill for calling 12,000,000 men to the colors. The Army and the United States Government do not want even to conceive of that scale of increase in the Army.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. WHEELER. There is no limitation on the number of men that may be called under the bill, is there?

Mr. THOMAS of Utah. No limitation at all.

Mr. WHEELER. Very well.

Mr. CONNALLY. Except the limitation that appropriations must first be made; and that limitation is still in the bill.

Mr. WHEELER. I understand that, but I asked the Senator from Utah if there is any limitation in the bill as to the number of men the President could call provided the appropriations for them are made. There is nothing in the bill which would limit the number of men the President could call; I mean he could call for the number provided in the bill, and then ask Congress for an appropriation for that number of men, could he not? He could call out a million or two million men by issuing a proclamation calling out a million men or two million men, and then after he had issued the proclamation and called out that number of men, would it not be the duty of the Congress practically to endorse the President's proclamation and provide the necessary money?

Mr. THOMAS of Utah. He could not by the provisions of the pending measure call out 20,000,000 men.

Mr. WHEELER. I did not say 20,000,000 men. I said 2,000,000 men.

Mr. THOMAS of Utah. We are talking about 12,000,000 men.

Mr. WHEELER. I said 2,000,000 men.

Mr. THOMAS of Utah. He could call 2,000,000 men, yes.

Mr. WHEELER. Why could he not call 12,000,000 men?

Mr. THOMAS of Utah. He could not call 12,000,000 men into service for the simple reason that only 12,000,000 men will be registered.

Mr. WHEELER. But under the bill he could call all the men who were registered, and who were fit for service, could he not?

Mr. THOMAS of Utah. But that would not be 12,000,000 men.

Mr. WHEELER. Why quibble over it—whether the number is 12,000,000 or 10,000,000 or 8,000,000?

Mr. THOMAS of Utah. Because there is a great difference between 12,000,000 men and 400,000 men.

Mr. WHEELER. But the measure does not limit to 400,000 the number of men the President may call out.

Mr. THOMAS of Utah. The people of the United States assume that registration is to be made of 12,000,000 men, and the point I am trying to make is that the registration of 12,-

000,000 persons does not mean that 12,000,000 persons will be called to service under the draft.

Mr. WHEELER. But under the bill the President could call any number of persons he wanted from the number registered.

Mr. THOMAS of Utah. Provided Congress would grant the necessary money.

Mr. WHEELER. Yes; provided that Congress would appropriate the necessary money after the men had been called to service.

Mr. THOMAS of Utah. No; the President could not even do that, if the Senator from Montana will permit me to answer him, for the simple reason that the maximum number of men who may be registered under the provisions of the pending measure is 12,000,000. Every man who is registered will be furnished with a questionnaire. In that questionnaire every man's conditions will be made to appear. There will be 6, or probably more causes for deferment as the result of individual conditions. So when someone assumes that 12,000,000 men will be called to the colors under the provisions of the bill, limited as it is as to registrations to particular groups, he does not face the facts of the registration theory.

It might be well to carry this particular discussion a little further. We have history to fall back on. In 1917, when the men were called to register, nine million some five hundred thousand between the ages of 21 and 30, registered. We know exactly how many men we got out of that group even in wartime. We know exactly how many men were called even when the registration was practically unlimited. We are not dealing with great unknowns because we have factual history on which to base our conclusions. If the President of the United States did not call in time of war great numbers under the original draft, would it not be rather vain for us to assume that the President of the United States in time of peace would call great numbers?

Of course, I could go further into a discussion of this question, and I shall do so if it is necessary.

Mr. WHEELER. Will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. WHEELER. The Senator has not answered my question at all. I do not care whether we are dealing with 12,000,000 men or a lesser number. I assume, of course, that if 12,000,000 men are registered there would not be a possibility of taking the 12,000,000 men into the Army, because, as the Senator rightly says, there will be deferments, and so forth, and they would not all be called for service. Nevertheless, the President could call for service all the men who are not in the deferred list if he wanted to call them for service, and he could change the deferred list so that he could call others for service. Is there any question about that?

Mr. THOMAS of Utah. How does the Senator interpret section 6? Let us turn to that.

Mr. WHEELER. Very well.

Mr. THOMAS of Utah. Section 6 reads:

The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose.

Could a prohibition in law be made any stronger than that, unless definite figures were stated? By stating definite figures it could be made stronger, and we could say what the President may do, but is not the language I just read as strong as language the Congress of the United States ever uses in the matter of limiting the President's discretion?

Mr. WHEELER. Yes; but I wish to remind the Senator that whenever the President of the United States has said he needed so many men, and so much by way of appropriation, his request has been granted. I have seen Congress, willy-nilly, jump through the hoop and, under any circumstances, vote for anything the President wants.

Mr. THOMAS of Utah. I have not seen the same thing.

Mr. CONNALLY. Mr. President, will the Senator yield at that point?

Mr. THOMAS of Utah. I yield.

Mr. CONNALLY. Let me answer the question of the Senator from Montana. He says he has seen Congress, willy-nilly, do this and that.

Mr. WHEELER. I have not seen the Senator from Texas do it.

Mr. CONNALLY. Very well; but if Congress did it, the Congress did it, and the Congress represents the people. Now, if the Congress is acting willy-nilly, and is not doing what the Senator from Montana wants it to do, that is because he is not able to influence the Congress. The Senator's position repudiates the whole constitutional theory of representative government. Congress is given the power to raise and support armies, and if we do it we are representing the people, whether we do it willy or whether we do it nilly, or whether we do not do it at all.

I do not see how we can make any plainer than it is in the pending measure that the President of the United States cannot induct a single man into the Army until the Congress of the United States first appropriates the money to pay him. If the Senator from Montana can make the language any plainer, very well. He wants to limit; he wants to make it hard for the President to call the men. He wants to make it as difficult as he can for the Government to get an army. Which is more important—having too many men or too few men? Which is more important, having just enough men to get licked, or having enough men and some to spare to do the job?

Mr. WHEELER. Mr. President, will the Senator yield to me so I may answer the Senator's question?

Mr. THOMAS of Utah. I shall be glad to yield, but I think it is apparent already, if the Senator from Montana will permit me to say so, that the argument which he puts forth is probably a stimulus for further discussion, though I do not think it is based on truth, or on facts, or on the provisions of the pending measure.

Mr. WHEELER. Let me answer the Senator from Texas. He said that the Senator from Montana wanted to make it as difficult for us to get an army as he possibly could. That is not a fair statement of the position of the Senator from Montana, and the Senator from Texas knows it.

Mr. CONNALLY. Wait—

Mr. WHEELER. No; I will not wait.

Mr. CONNALLY. The Senator from Utah has the floor.

Mr. WHEELER. The Senator from Utah has yielded to me.

Mr. CONNALLY. I will take my own time to answer.

Mr. WHEELER. Very well.

Mr. CONNALLY. I am tired of the Senator from Montana imputing motives to other Senators, and setting himself up as a censor of other Senators, and taking the time of another Senator to do it.

Mr. WHEELER. I am not imputing motives to anyone in this body, but when the Senator made the statement that I was trying to do all I could to make it as hard as possible for the President to get an army, I say the Senator made a statement which is not fair to me, for the Senator, if he knows anything about it, knows that I have always been perfectly willing to vote to raise an Army by enlistment to the point where the Army officers say they want it for the Regular Army, as well as to call out the 400,000 Reserves. That was the testimony before the Military Affairs Committee, and I think it was brought out by the Senator from Utah and by the Senator from North Carolina.

Mr. LODGE and Mr. CONNALLY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Utah yield, and if so to whom?

Mr. THOMAS of Utah. I yield first to the Senator from Massachusetts, and then I will yield to the Senator from Texas.

Mr. LODGE. Mr. President, in this connection I should like to point out to the Senator that the total number of men to be raised under the bill could be limited more than it is in the bill as it now stands, and I have offered an amendment, which is now pending, to limit the number of men which can be raised under the terms of the bill to the figure

which is stated by the War Department in the majority report of the committee.

I should like to point out to the Senator from Utah, and ask him to correct me if I am wrong, that the Army has to set its own limit on the number of men it will induct, for it must know how many boots and shoes, and how many cantonments it must have for them. The Congress has to set its own limit insofar as funds which it appropriates are concerned. What is the motive or the purpose in departing from the practice which has obtained ever since the World War of stating definitely in the legislative bill the number of men desired to be called?

May I have an answer to the question as to what the reason is for not having a limit in the bill, when in all other bills relating to the strength of the Army we have always had a limit?

Mr. THOMAS of Utah. I do not think we have always had a limit on the strength of the Army in the past. I think, during times of impending emergency, and during times of emergency, the limit has very wisely been left out. However, in times like this, when we are attempting to test the real efficiency of the Army as it has expanded since 1919 and 1920, I think it would be very unwise to establish a top limit. I think we should do as the bill itself suggests. From time to time requests should be made of the Congress, and the Army should be increased in accordance with the exigencies.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. CONNALLY. The Senator from Montana says that I made an unfair statement. If he feels that to be true, I withdraw the statement. I have no disposition to wound the feelings of any Senator. I believe in the utmost freedom of debate on the floor of the Senate. I think every Senator ought to be permitted to say what he thinks.

On the other hand, last week I heard the Senator from Montana read a prepared speech in which he reflected on the motives of many persons who are supporting the bill. His statements could not have been made in the heat of debate. I do not reflect on his motives. I withdraw the statement. All I can say is that his opposition to a great portion of the bill made it appear to me that he was not very anxious about getting men in the Army. He wants to wait until they volunteer, and he does not want the President to call three men when the Senator thinks he ought to call only two. That was the reason for my statement. However, I do not wish to be unfair, and if the Senator thinks I did not make a correct statement about his position, I withdraw the statement and apologize to the Senator from Montana.

Mr. WHEELER. I thank the Senator.

Mr. CONNALLY. I know of no other Senator who is as free in reflecting upon the motives of others as is the Senator from Montana.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. WHEELER. I thank the Senator for his statement with reference to my position; but I should like to have him point to any statement of mine reflecting upon any Member of this body.

Mr. CONNALLY. Not by name.

Mr. WHEELER. By name or in any other way. On the contrary, I have said repeatedly on the floor of the Senate in debate that I think we have before us one of the greatest issues ever to come before the Senate. I have repeatedly said that people may honestly differ with reference to this question, and that there is room for honest difference of opinion. There is room for honest difference of opinion as to whether or not this country is to be attacked. I am one of those who do not believe that this country is to be attacked.

I am one of those who do not believe that our first line of defense is in Great Britain. I am one of those who do not believe that the British Navy has been the protection to the Government of the United States which some persons say it is. I am one of those who believe that the United States is strong enough and able enough to protect itself, as it has in the past, not only against Germany, but against

Great Britain and every other country in the world. So far we have never lost a war; and I do not think we are about to lose one now. I am one of those who believe in preparedness; I believe we ought to have preparedness; but I do not want to go back of the traditions which have been developed in the United States for 150 years, and have peacetime conscription in the United States. When I take that position, I am taking the position which was taken by Great Britain for many years. It was written into the Magna Carta. I am taking the position taken by Thomas Jefferson and John Adams. I am taking the position which Daniel Webster took; and I am taking the position which the Congress of the United States has taken at all times when the question of peacetime conscription has been before Congress.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. ASHURST. I do not wish to inject myself into this debate between the two Jupiters of debate, the Senator from Montana and the Senator from Texas.

Mr. BARKLEY. The Senator does not mean Jupiter Pluvius? [Laughter.]

Mr. ASHURST. They are probably among the best debaters who ever sat in the Senate. Each is able to give the other a Roland for his Oliver at any time.

Mr. President, I make no insinuations. I rise to make a charge, not an insinuation. I do not make insinuations.

It has been stated that this Senator or that Senator, this Representative or that Representative, has delayed preparations. I charge the War Department with a lack of frankness, and with disingenuousness in enforcing a law of a patriotic Congress. More than 20 years ago, on June 4, 1920, Congress enacted a law which was signed by the President, and which is now the existing law, permitting enlistments in the Army of the United States for 1 year or 3 years, at the option of the soldier—not at the option of the War Department. However, the War Department sedately, deliberately, and willfully, through the recruiting stations, gave false information to young men who sought to enlist. At two recruiting offices—in Washington, D. C., and in Upper Darby, Pa., which is in Delaware County—recruiting officers told young men, "You may not enlist for a year. The law does not permit it. You must enlist for 3 years." If there has been slackness and remissness on the part of the young men in enlisting, the blame rests with the War Department.

The War Department does not pretend to answer the charge that it has been remiss in enforcing the law. We may pass good laws or bad laws. Being human, I imagine that now and then we slip and make a mistake; but surely after Congress has enacted a law it is the business of the departments, under our Constitution, to execute the law with fidelity and fairness. I shall not use the word "foul"; it is too strong. However, it was unfair and unjust on the part of the War Department to turn young men aside when they sought to enlist for a year and to say to them, "You must enlist for 3 years. You may not enlist for 1 year." I repeat, I make no insinuations. I make a charge.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. BURKE. Coming back to the matter which seems to me to be of greater importance than the question whether or not enlistments for 1 year are discouraged, I should like to say that I appreciate the sincerity of the Senator from Montana in his attitude toward the bill. From the start he has been opposed, and has expressed himself as opposed, to anything in the nature of compulsion during time of peace. There is only one thing which might cause me to question the complete sincerity of the Senator from Montana. If I should find later, when we approach the question of the Maloney amendment—adopting the principle of conscription but postponing it for a time—that one holding the view of the Senator from Montana should support such an amendment, I should have to reexamine his entire attitude in reference to the whole proposal. However, I am sure we shall not have to face that condition.

Mr. WALSH. Mr. President, will the Senator permit me to make an observation about the period of enlistment?

Mr. THOMAS of Utah. I yield.

Mr. WALSH. Mr. President, I protest vigorously against the action taken by the Navy Department within a year to increase the period of enlistment from 4 to 6 years. It is only fair to say that the purpose of the Department in doing so is to maintain a continuity in the naval service of trained and experienced men. I can see and appreciate the point of view of the Department; but to my mind it is undemocratic and unfair to the youth of the country. Why? Many, very many, of the young men who enlist in the Army or Navy do so between the ages of 18 and 20, after they have left school and unable to find employment. Many of them are discouraged and disheartened, and rather than be a burden to their families they enlist in the Navy or the Army, actuated by economic necessity and by a spirit of service to their country. The Navy says to such a boy, "You will have to stay in the Navy for 6 of the best years of your life. You cannot get out, even to follow a life of domestic happiness for yourself, or to enter an occupation or business, or even further to pursue your education. The 6 years of service is your obligation to your country."

In my opinion, the period ought to be not more than 3 years. The number of reenlistments would not change very greatly, but I think it is indefensible to close every avenue of progress and hope to young men of tender years before they have reached maturity, and to bind them to 6 years' service to their country.

I am saying what I have said to naval officers; I regret very much that the Navy Department took such a course. I was not consulted, indeed it was not required, in reference to the regulation, but I vigorously oppose it. It takes advantage of boys driven by necessity, away from their homes, and deprived of education. It does not recognize the changes which afterward come in life. I have known of instances where after enlistment some relative died, and a boy had an opportunity to go to college. He could not go because of the 6-year contract. In my opinion there is considerable reformation to be done in the matter of the period of enlistment in both the Army and the Navy before we come to the conscription of 1,000,000 men. I wish that both the Army and the Navy would think of our democracy and our boys as well as their own objectives, praiseworthy as they are. The folly of it all is that with a period of enlistment of 3 years the present Reserves would be doubled, because after a period of 3 years every boy would become a member of the Reserve, and could be called in time of war.

I beg the Senator's pardon. I really ought not to have interrupted his speech, but this matter has been on my mind, and has given me considerable concern. I feel very deeply about it. I feel that it is unfair to the American boy to compel him to be bound to such a long and exacting period of service at the early and formative years of life.

I thank the Senator.

Mr. THOMAS of Utah. I thank the Senator from Massachusetts. If he will follow rather closely the philosophy of the bill, which I am trying to explain in my own way, he will discover that the things which he has said furnish some of the dominating influences which came to my mind, which have come out of my own experience, and which cause me to stand as firmly as I know how to stand for the report of the committee on the bill. I hope to be able to bring out in my own way the ideas which the Senator from Massachusetts has mentioned.

Mr. ASHURST. Mr. President, will the Senator further yield?

Mr. THOMAS of Utah. I yield.

Mr. ASHURST. I feel like apologizing for intruding further. I wish to say, not by way of mere compliment to the Senator, that I always listen with respect and attention to everything the able Senator from Utah says. I believe him to be an authentic scholar. After he has investigated a subject and made his pronouncement I am much inclined to adopt his view on almost any question.

Mr. President, the Senator from Massachusetts [Mr. WALSH] descanted eloquently upon the injustice perpetrated by the Navy Department. In 1920 the very arguments and suggestions now made by the able Senator from Massachusetts were in the minds of Members of Congress when we passed a law permitting a young man to enlist for 1 year, at the option, I repeat, of the soldier, and not at the option of the War Department. How does the Senator view the action of the War Department, which has practiced deception in that it has permitted the recruiting officers in some recruiting stations falsely to say to young men, "You may not under the law enlist for a year; you must enlist for 3 years," although the Congress, considering the very argument the Senator from Massachusetts brought forth enacted that law, and it is still the law. Does the Senator view with equanimity a department that can willfully and deliberately deceive the country to that extent? Does the Senator approve that?

Mr. WALSH. Mr. President—

The PRESIDENT pro tempore. The Senator from Utah has the floor.

Mr. ASHURST. I asked permission of the Senator from Utah to ask a question.

The PRESIDENT pro tempore. The Senator from Utah has no right to yield the floor to another Senator.

Mr. ASHURST. I should like to have the Senator from Massachusetts answer the question, if he will.

Mr. WALSH. No. I most heartily agree with the Senator. Let me say to the Senator that he knows the militaristic spirit that exists in military circles. I do not say that offensively against the Army and Navy officers; they are high-class and able men, but their minds are militaristic. The reason we have the form of government we have, and not the form of government prevailing in Germany and totalitarian states, is that there is in this country some civic check upon the extreme militarism of the Army and Navy that otherwise might be likely to develop a different form of government and lessen our theory of individual liberty curtailed by the least possible interference by the state.

Mr. ASHURST. Mr. President, will the Senator yield further?

Mr. THOMAS of Utah. I am glad to yield.

Mr. ASHURST. The Senator from Massachusetts has read the Constitution as diligently as I have, and he knows that the Constitution lays upon Congress, not upon the War Department, the power to raise and support armies; he likewise knows that the Constitution lays upon Congress, not upon the Navy Department, the duty of providing and maintaining a navy. Those Departments are to carry out the laws which Congress enacts.

Mr. WALSH. In the pending conscription bill there is an option for a young man about to be conscripted to join the Army for a year. I made inquiries from the Army to find out whether or not that provision would be respected. Does the Senator think it will be, in view of the record that now there are only about 200 men who have entered the Army under a 1-year enlistment, and those 200 asked to enlist in the Army for the purpose of taking training to enable them to go to West Point? Otherwise, there is not a single soldier in the Army under the 1-year enlistment law which Congress passed and which Congress intended should become operative. In my opinion, the clause in this bill is misleading and will not be enforced if past practices prevail.

Mr. ASHURST. Mr. President, if I may answer the question—

Mr. THOMAS of Utah. I yield.

Mr. ASHURST. If the past is an indication of what will be done in the future, we may look with suspicion and distrust upon a department which has already violated the law and deceived, as I might say, wayfaring young men who wish to enlist and who would have enlisted had they been permitted to avail themselves of the privilege of enlisting for 1 year which the Congress gave to them. I have no way of judging the future except by the past, and I say it is no wonder enlistments are not obtained.

The Senator from Massachusetts referred to militarism. I have a high opinion of our military officers. As a rule, they are not only men of ability but of high character; I am proud of their character, and the same statement applies with equal force to officers of the Navy; but, Mr. President, I may say here again power and alcohol operate the same on all persons at all times. Give an individual, benign and educated, great power and he wishes more power. When he is asked, How much power do you want? He says, "All there is", and he becomes power drunk. I repeat, it is worthy the consideration of biologists and psychoanalysts to see such an influence acting upon human nature. Alcohol and power are two things that, down through the centuries, have acted upon all races in all climates and on both sexes alike, and the more power an individual gets the more he wants, and enough power is all there is.

Mr. THOMAS of Utah. I trust what the Senator from Arizona has said about power will not tempt someone to rise and make a Willkie speech at this time, although it might be a good thing, and would probably be in order.

Mr. ASHURST. I did not hear the compliment the Senator paid me.

Mr. THOMAS of Utah. I merely said that since the Senator from Arizona had thrown the word "power" into the discussion, it might be interpreted in another way, and might form a stimulus for someone to rise and make a Willkie speech. I trust that will not occur.

Mr. ASHURST. Surely my speech was not that bad. I beg the Senator to rescue me from that implication.

Mr. THOMAS of Utah. I am very glad to welcome these discussions. It seems to me that a discussion such as that which has taken place between the Senator from Massachusetts and the Senator from Arizona must give to every thoughtful person who hears them the idea that probably a revitalization of the armed forces of the United States is very essential and important. I am going so far as to say if the selective-draft bill shall become a law, and is lived up to in accordance with the spirit of the committee amendments, if the Army and Navy take advantage of that which is given them by the bill, if they understand the Americanism which is behind the amendments, they will welcome it as a great forward step, consistent with the other steps I have indicated, to improve the morale and the spirit and the personnel of the Army and Navy of the United States.

Mr. President, I cannot refrain from making one more statement which grows out of the various discussions which have taken place, a statement which the people of the United States should understand and which I am sure they will understand. When the Senator from Texas and the Senator from Montana were in the midst of their discussion, I was reminded of another time in this body when those two great Senators seemed to be extremely worked up over the argument which they were making to each other, and, incidentally, to all appearances worked up against one another. That, however, does not happen in the Senate of the United States, and a most reassuring incident may be mentioned here. In the heat of the discussion of the Senator from Texas when he was "going after"—and I use those words advisedly—the Senator from Montana as hard as I ever heard one man go after another, he wanted to use the name of a park in the State of the Senator from Montana; so he tapped the Senator from Montana on the shoulder and said, "Bert, what is the name of that old park in your State, anyway?" That is the way these debates are underneath; and probably no greater compliment can be paid to the American representative system, especially when it is contrasted with the tempestuousness of party divisions in other parliamentary governments, than the good fellowship which here exists at all times. We cannot ever become angry at a fellow Senator; I do not know a Senator who could be angry at his fellow. Therefore I am most pleased to have these discussions.

Mr. ASHURST. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arizona?

Mr. THOMAS of Utah. The Senator from Arizona has another inspiration, and I yield.

Mr. ASHURST. I am very glad that the scholarly Senator from Utah—and both the Senators from Utah are scholarly men—referred to the heat of debate that takes place in the Senate. Mr. President [the President pro tempore in the chair], presiding as you do always with dignity and fairness, let us assume that you have come here from another planet, and that you are seeking to know what governments are free; you wish to know what governments on this planet are peopled by free men? Philosophical student as you are, Mr. President, you would not look to the Army and Navy; you would visit the parliament, and you would know the quality of freedom, you would know the measure of liberty of the citizens of a particular country by the freedom of debate in their parliament.

One of the surest and most authentic signs of a free people is that they themselves feel free to criticize their parliament. Those two indicia, those two signs—freedom of debate in the people's forum and the absolute freedom with which the people criticize their parliament—betoken liberty and a free government.

The other day there was in the Senate a charming yet heated riposte between the able Senator from Indiana and the able Senator from West Virginia, and some newspapers said, "Is it not too bad to have such heated remarks in the Senate?" Scarcely had such remarks fallen from the lips of the observers until in the British Parliament, the mother of parliaments, the parliament established in 1265 by Simon de Montfort, "let their hair down," and applied to each other in the very forum of conservative thought and speech, epithets such as are never used here. Instead of feeling ashamed, I was proud and glad that freedom was there manifesting herself in a forum of the people.

I thank the Senator from Utah. He has done a splendid service in pointing out that these debates, heated as they are, heated as they should be, betoken a free people; they indicate that the people's representatives are not bound by any tradition or by any secret thought, and the Senator from Utah has disclosed that he is a profound philosopher in discovering that truth.

Mr. THOMAS of Utah. It did not take much research, Mr. President, for me to discover that the citizens of the United States criticize their representatives. I am a living witness to that fact.

To return to the bill, Mr. President, I attempted to say that the measure we have before us is altogether consistent with the long-range endeavors which the Congress of the United States has made in the past to bring about better training and a better personnel in preparation for war. I may say that the genesis of this bill is in the idea of training; its end will be training. I do not care how great a war may become or how intense an individual soldier may become on the battlefield, most of the soldier's life is spent in training.

Therefore the bill consistently starts with the fundamental understanding of the fact that the training is the primary thing, and that in the training and from the training will come that sort of army which America would be glad to have in case of an emergency.

Let me say, too, in connection with this subject, that if we can bring about in the Army of the United States a yearly training period, we will guarantee the democracy of the Army of the United States not only as to men but also as to officers. I wish Senators would think back to what has happened to our Army in the last 20 years, and when I make a comparison of 1940 with 1917, I wish my colleagues would constantly keep in mind not only the influence which training the officers has had upon the trainees throughout our country but the influence which the people of the United States and the institutions of the United States has had upon those officers in their training.

In contrasting the 1917 draft with the ideals presented in the pending bill, we must take into consideration the fact that there is no way of getting an even contrast at all. The conditions in this country with respect to the Army of the

United States are so different from what they were in 1917 that there is no comparison at all.

By 1917 we did have some officers' training camps. The Defense Act of 1916 had gone into effect. The training camps grew up in a rather emotional and a rather spasmodic way. There were not officers to properly train the trainees. Every institution we had had in the Army found itself in a position of inability to carry on as it should carry on.

Today if the draft goes into effect and if we start drafting as the result of registration, we build upon an entirely different condition. For example, we have had 20 years' experience with the federalization of the National Guard, we have had 20 years' experience with the Army instruction of the National Guard, and the National Guard has developed its units around the fundamental theory of Army organization.

Then, too, there are in existence today 120,000 Reserve officers. With the officers in the Army of the United States to the number of 14,000, with 15,000 officers in the National Guard of the United States, and 120,000 officers recognized and active as Reserve officers, we have an officer personnel of more than 140,000 individuals. There are enough officers ready, therefore, to take care of an army of almost 2,000,000 individuals.

Mr. President, I bring that point to the attention of my colleagues to show that the spirit of the Army today would be extremely different from what it was in 1917 so far as the selective-draft theory is concerned. There is no need for turning out ill-prepared officers; there is no need for rushing and taking great chances with the men who will have charge of the training of other men because we have conducted, if not well, certainly fairly well, the training of our officer personnel for the Army of the United States, which consists of the Reserve Corps, the National Guard, and the Regular Army.

We learned in 1920, after the World War, that the task of training must be a constant one, and it has been a constant one since that time. We tried a mobilization day in 1923, I think it was, and I emphasize that because we learned much from that day. We discovered that emotionally America could still rise almost overnight and present the persons of a powerful army, in uniform if need be. But it was just an emotional gesture, and to the officers who had been lax in their training it was heartbreaking, because in the period from 1919 to 1923, nearly 4 years, the old uniforms were such that they would not reach around the new waists. There was a living demonstration, which came into the mind of every man who responded to the mobilization call in 1923, that that was not the way to do things.

Those who are familiar with what took place in 1917 and who observed the orderly way in which the mobilization of 300,000 C. C. C. boys took place, with the creation of the camps, the transportation of the men, and the care that was given them, realize what a vast improvement the Army of the United States had made in a generation. It is true that not all things were perfect in that mobilization, any more than they had been in other mobilizations. The Army gained, and gained tremendously, from the experience which it had in taking care of these 300,000 boys, building camps for them, transporting them across the country, feeding them, starting them in the first elements of proper personal hygiene and proper social living. The Army learned much from the mobilization of the C. C. C. boys, and the Army stands today much better prepared to go on with the selective draft if the bill becomes a law.

Mr. President, it would be unfair not to digress just a moment and make historical facts a part of our thinking in relation to the pending measure, because I have heard arguments made in favor of the Draft Act on the ground that we have to hurry. I have heard arguments made that we need not hurry; that we might delay; that we can try the voluntary system first and see if that will work.

Much has been said about October the first, and it was useless to mention that date. Now something has been said about January the first as the date for calling in the first contingent. We may do very much better than we did in 1917,

but there is still the time element present, and there will still be the lag, and with the registration of 13,000,000 people we cannot handle the mechanical part any faster than the mechanical part of the registering of nearly 9,000,000 persons was handled before.

These are the dates, and if we keep them in mind we will realize that much which might be said about when the proposed law should become operative depends upon what actually happened in 1917. In 1917 Congress was called into special session to meet on April 16. President Wilson advanced the date 2 weeks to April 2, and after the declaration in regard to war had been made, a start was made upon a study of the selective-draft system. The act which controlled in 1917 became a law on May 18, 1917. It took Congress more than a month, working under the stress of actual war and under the stress of an actual demand, to produce the law. Many things took place during that time which we hope will not take place if we start the draft system again.

The registration was held, and on June 5 we were able to register some 9,500,000 persons. It took the full day. It was practically a day out for the whole of America. There were some complications, but not many. From the standpoint of Washington—those in the head offices—it seemed like a smoothly running machine. There were difficulties out where the people had charge of the actual registration, because there was much misinformation. I think it will be found that there were something like 167,000 persons in the United States who, either innocently or willfully, avoided the 2 registrations in 1917.

The first registration took place June 5. We worked as hard as men could work. We were not ready until July 20 to begin making the selections under the draft, the drawing of the lots. On July 20 the numbers were drawn, and, as I remember, the numbers were arranged in such a way, running from 1 to 10,500, that the number drawn would take care of the numbers in any registration district in the whole country, so that when the first number came out, that number would hold for every person with that number in the 4,000 or 5,000 registration districts in the United States.

The first number drawn was 248, and it is in connection with this number that I wish to emphasize the crudity, the cruelty, the downright wickedness, of some of the people of our country and the press of our country, in not being able to understand what the selective draft meant, and the evolution from the voluntary system to the selective system brought about many difficulties, many misunderstandings, many heart-aches.

For example, there was one contingent in the United States which wanted to volunteer en masse, up to 300,000, and they were not allowed to do so. There was an actual stopping of volunteering during the period in anticipation of the draft and during the period in anticipation of the registration. The volunteer system had been interfered with, was interfered with, and when I contrast the volunteer system with the selective system I hope to make the point that the latter is very much fairer, and make my point right out of actual history.

Let me show what happened in a case of one boy who drew No. 248. He happened to be home on a vacation. He was in his senior year in a medical school. As soon as the numbers came out, the newspaper reporters, of course, rushed pell-mell to find the boys who represented the numbers drawn. I remember well three names. The boy to whom I refer was found most easily because he happened to be in quick access to the papers. He was asked by a reporter in an innocent way, "What are you going to do?" He said, "I do not know what I am going to do because before I left school the Army of the United States tried to discover how many prospective dentists they might depend upon, and I put my name down as a member of the prospective dental reserve."

The next morning the papers came out with pictures of this man, and the statement that he was going to try to dodge the draft, that he was going to try to get away from the responsibility of the draft, and that he was hiding behind

the notion that he was a senior in a dental school and was therefore wanted for dental work.

Mr. President, when we start the proposed registration, and when we carry on the registration and gather together the loose ends, we are going to find that in the assembling of an army of any consequence and any size the two persons the Government of the United States is going to lack the most are doctors and dentists, and in the gathering together of these men into the service we are going to create a hardship upon the whole country because we have not prepared a sufficient number of men for military exigencies; in fact, there is a dearth of both doctors and dentists in our country.

At this point, Mr. President, I cannot refrain from saying that those of us who have introduced bills dealing with matters of health and had them passed in the Senate, those of us who have presented hospital bills and had them passed in the Senate, those of us who are seeking all the time to increase the training and education of doctors and of dentists, and to give to the people of our country more of an opportunity for the right kind of treatment and the right kind of medical care, are acting in accordance with the firmest, the soundest, and the finest notions in relation to national defense that anyone can have.

It is a regret above all other regrets that some persons in their zeal to stand for national defense do not understand its meaning. Today it means a country prepared for any eventuality. Today it means a country undertaking total defense. Today it means not only the conscription of a few to serve in the country's military forces but it means a complete understanding of personal economic considerations—the complete organization of our country.

Mr. President, in the assembling of great numbers of men together the risks are not simply military risks. Undoubtedly, in the World War, more American soldiers died as the result of faulty preparation, as the result of not having the right kind of medical treatment, as the result of not having the right kind of clothing, as the result of not having proper housing facilities, and because of lack of foresight on the part of those who were providing for their training of these men than were killed by German bullets.

Mr. President, it is because of experiences of this kind that those of us who were responsible for the training of great units now see the need of building the personnel of our national defense on the basis of training, training, and everlasting training, and then, when the time comes for actual warfare, there will be no doubt about the outcome.

It was not until September 1917 that the first draftees were called in. Therefore keep in mind those days because we cannot do any better, we cannot work any faster, and we should not work any faster unless we are faced by some acute peril.

There were two registrations in 1917, the first on June 5 for men between the ages of 21 and 30, and the second on August 31 for those between the ages of 18 and 45. From the various drafts there was a total number of persons who registered running up to 23,908,596. I give these figures because it is only from a study of them that we may obtain a comparison of what actually took place then with what will undoubtedly take place in the next mobilization.

In the first draft there were 9,500,000. From both drafts, during the whole period of the war, when we had in the neighborhood of 4,000,000 men under the colors, but 2,787,000 men came in as the result of registration and draft. Therefore in the wartime 1,300,000 men came under the colors under the old voluntary system. It is upon those basic facts that I think we ought to study the actual effect of the present draft measure and see how it will work out.

The entire concept of mobilization has changed since the World War, and even before, and I think that as the result of the success of Hitler's mobilization probably the concept will change once more. One would not go back before the Franco-Prussian War of 1870 for ideas of modern mobilization. We find with respect to the theories in regard to mobilization in the late war, that ideas changed with circumstances, and, of course, that will always be the case.

Most persons have a notion that war is a static thing. If there is anything that is not static it is war. Most persons have the idea that governments go forth and fight without change. If there is anything that brings about changes in government, even the best organized and the most stable, it is, of course, the exigencies of war.

Since 1919 we have known of this theory in regard to total mobilization, and it is to an extent upon this theory that the Selective Draft Act has been built. The necessity of understanding the people, the necessity of weighing the responsibility in regard to the carrying on of war, the necessity of knowing what the worth of an organized nation is to any army at the front—these are the things which have produced the modern theory in regard to mobilization.

Mr. President, I do not have the time now and I do not have the inclination to discuss the history of mobilization in various countries since the World War. It must have been done by our Army. I wish our Army had sent down its own bill in regard to mobilization at this time, and also in regard to conscription, instead of having the bill come to us in the way it came. I wish we might have had knowledge of the War Department's experience, because the matters involved are important, and all the information which we should have has not come out of the experiences of any one of the countries that have had to mobilize in one way or another.

There is much that France can contribute. There is much that England can contribute. England went on a conscription basis in 1916, but in 1917 we discovered that one method had to be used in that country and another method in France. In France the method had to be used of calling the men back from the colors, and reintroducing them into industry, while another method had to be used in England, because there were differing conditions in the two countries.

Our own scheme will be American, wholly American, and when someone says that we must not do this and we must not do that because it is an imitation of what is done in some other country, it will be found that nothing will be done in America which is an imitation of what is done in another country.

Some persons say the pending proposal is democratic; some say it is militaristic. Some make one argument and some make another. I am now going to make a most startling statement to the Senate. Probably there has never been an army in the whole history of armies, in the whole history of the world, that is quite so democratic as the army of Hitler today. The techniques, the agencies, the instrumentalities which are used by that army have nothing to do with the basis of democracy in relation to an army, and the way in which it is gathered together, and the way in which it is trained. Never in the history of the world have men of low grade, noncommissioned grade, and even privates been left so completely to their own discretion with so much matériel, with so much responsibility, and never have we completely understood the fact of the complete independence of officers and men as it has grown up in the German Army. That has come about as the result of a lesson of necessity.

Once before 1919 the world imposed upon a country restrictions in regard to its armed personnel, and one would think that the same mistake would not be made in 1919, but it was made, and as the result of its having been made the evolution, the growth, the development, the democratization, the total nation behind the modern army of Hitler, have followed.

I think I need not say more about the theory of mobilization, for I am sure that serious students who are actually studying and want to know what we are doing will go into that history and will realize that, while probably the same technique of conscription may be used in Russia, and the gathering together of the men for the Army and the Navy may be on the same basis as it is in America; while probably the same technique of conscription is used in France in the gathering together of the men for the army and the navy,

and their training, and while the same thing may hold true with regard to England, yet the respective armies reflect the fundamental ideas of the countries they represent, and the techniques used are modified to be consistent with those fundamental ideas.

Mr. BONE. Mr. President—

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Utah yield to the Senator from Washington?

Mr. THOMAS of Utah. I yield.

Mr. BONE. Can the Senator from Utah say what process was employed by the German Government in mobilizing its forces for war with respect to the production of war material and the general mobilization employed with respect to so-called private business in Germany? I think perhaps we are overlooking many of those elements in this discussion. I wonder what technique Hitler employed in handling private business operations in Germany, for certainly they were involved in a mobilization scheme or set-up for war.

Mr. THOMAS of Utah. I can answer in this way: Private businesses which were to contribute to the building up of the defense of the country became literally and actually public businesses.

Mr. BONE. In other words, then, Hitler has prescribed for his total war a course diametrically opposite to that which we would attempt to pursue in this country?

Mr. THOMAS of Utah. I hope so.

Mr. BONE. Well, whether it be a desirable or an undesirable course, he has taken precisely the opposite course, and apparently with great success, as marked in terms of military conquest, but he has certainly produced an efficient military machine. Now are we to derive from that any conclusions as to the efficacy of our own plan?

I am tempted to ask that question because the other day I understand in the other House they struck out the last limit on profits in our war program, and I am wondering what effect that will have on the pending program, because already the per unit cost of war materials is going up, right along, and I am wondering what effect the impingement of that upon our war plans will ultimately produce, if the Senator cares to express an opinion about it.

Mr. THOMAS of Utah. If the situation becomes very unreasonable, and the things in question become very necessary, the Government has a way to respond very quickly to any exigency of that kind, and were our country in peril and in an emergency we would respond quite as quickly as any other government, with one exception. It will be found that the idea of force will not predominate the things which we will do.

Mr. BONE. I understand that, but I assume that there is some peril, there is some necessity that confronts us of a grave character, or we would not be proposing conscription at this time. Is that peril to be reflected only in the conscription of young men, or are we to give it reflection in our attitude toward the problem of profits and preparations for war, or is it to be merely a one-sided thing until the whole economic scheme is threatened with some sort of collapse on account of war costs? That is the reason I ask the question.

Mr. THOMAS of Utah. I can answer only by stating what has taken place in other great emergencies. I know that the Senator has in the back of his mind the idea, Are we faced by a peril? Are we faced by the great uncertainty to which the people are calling our attention? Of course, no man knows, because no man knows what tomorrow may bring. But there are, comparatively speaking, two dominating uncertainties facing the world today, which must be basic to the thinking of every man. There have been great wars in the past, but never has the world been in such a complete revolution as it is in today. Revolution generally means uncertainty and peril. What will be the result of that revolution? No man knows.

There is another great fact which must be kept in mind. Since the end of the sixteenth century there has been one controlling influence on the high seas of the world. That controlling influence can be expressed in a very short and easy way. The high seas of the world have been controlled

by control of Gibraltar, Suez, Singapore, and the Panama Canal. Are those controls to remain as they have been in the past? That is a question which I cannot answer, which no one can answer, but which brings a great uncertainty into that about which we are talking and thinking.

Another thing which I can say—and it is said in the spirit of proved prophecy—is this: It has been pointed out time and time again in the debates in the past that if the great Government of the United States, which stood on the principle of the freedom of the seas, especially since 1856, should refuse to fight for that principle, some day it would have to be a party to fighting for the control of the high seas. That has happened. I do not care to go into a discussion of that question, but those are the facts.

The responsibility for maintaining freedom of the seas was not lived up to, and today a greater responsibility rests upon the shoulders of the countries of the world which have been in control of the high seas, to fortify and to plan for the control of the high seas. If there is any judgment wherein we have been faulty, perhaps it has been in our judgment in regard to that great principle. But I do not wish to criticize. I do not wish to go afield. The bill has to do with only one thing, and that is a proper and necessary increase in the personnel of the Army and Navy of the United States.

I had planned to argue quite fully—and I may have to do it before we get through—by bringing in the story of conscription, the technique, and the theories related to it. Conscription may be defined as merely exaction by the state of military service. That is the sense in which it is used. It has been used in society from the most primitive time down to the present. It has been a technique which has been used for the evolution and development of a state, really growing around the notion of militarism; and there is no use dodging that principle. However, only one state built its state theory upon the principle of militarism in and of itself, and that was Prussia. Probably the same can be said of the Empire of Germany, which inherited its ideas from Prussia. To make a great contrast, the concept or theory of conscription brought about a tremendous democratization of the people in Japan. So those who argue that this technique will do this or do that must go further in their argument and say where it will do it, how it will do it, and when it will do it, because the history of conscription furnishes examples of practically everything.

The theory of the conscription notion is interpreted by some as the most democratic way to carry on. I myself would not use that kind of argument, because it immediately leads into difficulties. In the first place, the democracy or democratic idea is not defined. But the theory, as it is accepted in the bill, is probably something like this: There is in the conscription system a leveling, a community of citizenship, which arises from the basic conception that military service should rest not upon ardor, upon the mercenary motive, upon caste, or feudal obligation, but simply upon the duties of membership in the political association, for the maintenance and defense of which an army is organized. I believe that that definition will fit the ideas and the ideals of conscription as it has been resorted to in our country; and if it is resorted to again it will be the dominating and underlying principle.

Mr. BONE. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. BONE. I think I understand the tenor and purport of the Senator's argument, and I am familiar with the orthodox arguments for conscription, for the service which a man must yield to his country as a member under the social contract. But it seems odd to me—and I cannot bring myself to believe that I am merely in a class by myself in reaching the conclusion which I reach—that none of these arguments carries the implication that a correlative duty rests upon property. I am assured that my son and the sons of other men must give military service, and die if need be, to preserve the thing we have erected. But I find in this argument in the Senate no single suggestion—or at least it is so subdued that it is not apparent—that property should be

subjected to some comparable sacrifice. If some of my worthy brethren say that I am going afield in this argument, let me call attention to the platform declarations of both parties, which have gone much further than the suggestion I now make, because they have been much more blunt. Let me give a practical illustration. I do not wish to intrude too long on the Senator's time, for the floor is his, but let me give an illustration of what I mean—and it is one of perhaps hundreds.

Take a boy who has gone through college, perhaps at the great sacrifice of his parents. All his capital is wrapped up in his body. He has a healthy body and a sound mind. He is employed, making perhaps \$200 to \$500 a month if he is a fairly successful young fellow. His capital is his body and his ability to render a service which permits him to make \$3,000 to \$5,000 a year. He is drafted and taken into the Army. In case of war 100 percent of his capital, his body, may be used, the draft being a 100-percent draft. He may not come home at all; or if he does, he may be insane, or sans legs, arms, or eyes. The Government in drafting him has taken not only all his body, which is everything worth while to him, but it has also taken his \$200 a month or \$500 a month, and the assurance is given to us that that is a perfectly proper, democratic, loyal, and patriotic proceeding.

As a Member of this body I have heard businessmen come before the committee of which I am a member and say to me that they cannot render the right kind of service unless they are guaranteed a certain amount of profit, or unless all ceilings on profit are removed so that they may make any amount of money. Then we attempt to satisfy the needs of the country by some sort of a tax scheme which may take 50 percent of their excess profits over and above the normal profits of several years, which means that they are allowed a very large margin of profit.

There is no attempt to put upon businessmen or business groups of the country any sacrifice comparable to that of the young man. If conscription is democratic, then why is it that all the emphasis is laid upon the necessity of sacrifice by young men who give their entire capital, which is their bodies? Is that to be the American concept? Every newspaper article I have read recently, coming from some of the most noted publicists in the country, says, in effect, that every element, every factor, every segment of society in the country, is now called upon to make great sacrifices. That does not mean that business has any justification in demanding unusual profits, which is what it is now doing. The publicists who are interested in aiding the conscription bill through Congress tell us that all groups must make sacrifices, and yet the Congress, including the Senator and me, knows that no such sacrifice is being exacted from business. I now bluntly make that assertion. I might find it in my heart to have no quarrel against asking young men to go into the service of their country, but as an American I resent the fact that when I or other Senators stand on this floor and suggest that a comparable sacrifice be made by business, we are told that such a thing would hurt our economic system and drag the country down.

A sacrifice ought not to be imposed on merely one segment of our population. There is nothing democratic in that. It seems to me that the whole argument for democracy falls flat, it becomes stale, tedious, and unprofitable, when only one group is called upon to make the sacrifice. If our system and our civilization are worth saving, then are not businessmen prepared to make some sacrifice to save their own system?

That is the question which arises constantly in my mind as a great question. It will not down. When I ask this question on the floor I am only asking, in the form of a question, that which has been asserted by the party of the Senator from Utah and myself. I have in my file the blunt promise of my party and of the Republican Party that if war or the threat of war comes, and we draft men, we will draft property exactly as we draft men.

What kind of a picture are we presenting to the country when we argue that conscription rests solely upon the theory

that the boys must be drafted, but that we must not draft business or capital?

I speak with some warmth, because I feel very deeply about the matter. If I, as a Member of Congress, am to order the boys into service, and take everything they have, why should not I order the Du Ponts into service in the same fashion? I wish the Senator from Utah would tell me upon what sound theory conscription can rest unless we also conscript profits. I am not talking about conscripting property. I wish to make that distinction very clear. I am now talking about conscripting profits, which does not mean taking the corpus of the property. It merely means the taking of enough of the net profits—all of them if need be—to preserve the country in time of peril. What is wrong with that? If we take a boy's life and butcher him, and merely content ourselves with taking the net profits of the Du Pont Powder Co., what is wrong about that? If there is any distinction I think it ought to be made plain to the people of America before we conscript the boys.

Yet we will go through this whole program and not make that plain to the people of America. We are going to default on that program, although the Democratic platform makes a solemn pledge to do it, and the Republican Party made the same solemn pledge. It made such a pledge in Philadelphia the other day, and the Democratic Party made the same pledge in Chicago; but I do not think the parties will carry out one-tenth of their pledges. No wonder Americans look at our political set-up with caustic and critical eyes. How can they view it otherwise when the parties default in their solemn engagements and pledges to the American people?

If we are going to conscript boys, I want some of the argument in the Senate to take another slant so that at the same time there may be some discussion about the conscription of profits in America. If it is democratic to conscript boys, it is democratic to conscript profits. That is my philosophy, and I believe it to be a correct one. Perhaps the American people do not agree with it. If they do not, it is their own tragedy and not mine.

Mr. THOMAS of Utah. Mr. President, I started out with the simple desire to explain the pending bill which has to do with increasing the personnel of the armed forces of the United States. The Senator brings up questions which, of course, are not germane to this bill. They are germane to the theory of government, but I know of no way, considering the manner in which the Senate of the United States is organized, for the Military Affairs Committee to report a tax or revenue bill. I think that function belongs to someone else. Suggestions such as have been made—and similar suggestions have been made in the past—may be good, and, perhaps, we should resolve that we are faced with a great peril and turn the Senate of the United States into a committee of the whole and pass all-embracing legislation, but, when we do that, we break down the whole theory of committee responsibility, which in the organization of the Senate of the United States is quite as much a part of the theory of representation as is representation in government.

Mr. President, starting out as I did, I have been forced by interruptions not to talk about the theories of conscription and mobilization. My chief task, my chief hope, is that I may be able, in a very brief way, to outline those portions of the pending bill which are so different from the measure as first introduced, representing, as it does, the will or wishes and the study of the committee.

Mr. BONE. Mr. President, will the Senator yield once more? Then I will not interrupt further.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. THOMAS of Utah. I will be glad to yield, but I have been on the floor since 11 o'clock, and in the past I have been trained in such a way that I usually think I should stop in 50 minutes. I am one of those men who spent 20 years delivering 50-minute lectures, and the moment I go over that time I begin to get nervous, irritable, worked up, and to

wonder why others besides Senators of the United States do not walk out.

Mr. BONE. I have never known the Senator from Utah to be irritable; he has always been very generous.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. THOMAS of Utah. I yield.

Mr. BONE. I raised the question about a tax on profits because only a short time ago I offered in this body an amendment to a then pending tax bill to capture profits during war. That amendment was sidetracked, and a less drastic amendment offered by the Senator from Texas [Mr. CONNALLY] was adopted. It went into conference between the two Houses and was incontinently thrown into the ashcan. This body only a short time ago put the stamp of approval on a repudiation of the doctrine that we ought to capture most of the profits during wartime. I raised that question the other day. In speaking of young men going into the Army, a prominent newspaper in the East said that if we raised the pay of soldiers to \$30 a month it would cause a vast rush of fortune hunters into the Army, that all the fortune hunters would go into the service for \$30 a month.

Mr. THOMAS of Utah. Mr. President, the Senator from Texas, the Chairman of the Committee on Military Affairs, gave a very minute outline of the bill. I do not desire to duplicate that which he said on the opening day of the debate, but the chairman of the committee did not discuss the last amendment to the bill which proposes a change in title. It is on that amendment that I wish to place emphasis. The new title, if the amendment shall be adopted, will read not as it read in the original bill but as follows:

A bill to provide for the common defense by increasing the personnel of the armed forces of the United States and providing for its training.

Mr. President, we have spent our time—profitably perhaps—discussing almost every other subject under the sun than the one which is set out in the title of the bill. The purpose of the bill is a simple one; it has to do with merely the one end set forth.

In going over the changes proposed in the bill, Mr. President, there are some things that are extremely important to my mind, and they give the bill quite a different interpretation from the ordinary interpretation which is placed upon it in the public mind, as I showed from the argument presented in the beginning of my remarks.

New reasons for the bill are stated in this way:

That (a) the Congress hereby declares that it is imperative to increase and train the personnel of the armed forces of the United States.

(b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

That brings us to what is probably one of the most important of the committee amendments, the amendment which provides for continuation of the voluntary system. The Army of the United States can never be an army built entirely upon the selective compulsory service. The officer personnel will always remain in a voluntary class, and we cannot shut down the enlistments of men who want to make service in the Regular Army their life's work. In those aspects the voluntary system must be continued; but it is important to note that 1 year's training privilege has been extended in a voluntary way to those boys who want to undertake a year's training.

I would say, in answer to what the Senator from Massachusetts and the Senator from Arizona said earlier in the day, there has never been in the practice of the Army of the United States a chance for the Army to take into the service for a year's training men who desire to go into the service primarily for training. That concept is brought into existence by this bill. At present 3-year enlistments are for the Regular Army; 1-year enlistments, under present circumstances, are for men training to do something else than serve in the ranks of the Army. There has been put into

this bill the theory that it is primarily a training bill, and that training shall be open to the youth of the country on a voluntary basis for a period of 1 year. That will go hand-in-hand with the selective system. I have been told by officers of the Army, who will administer this proposed act, that the minute it becomes a law the advertising, if they use advertising—and I hope they will not do very much—will emphasize and every recruiting officer will be instructed to emphasize this training provision. I am sure, in the light of past history whenever boys of America have been given the opportunity for the right kind of training under the proper sort of officers, they have volunteered in greater abundance than the trainers have been able to take care of them. So we may see, as a result of the passage of this bill, something very interesting happening in our country. We may see men start to take their training of a year in military service of the Government; they may choose their time as it fits in with the individual opportunities, and, instead of waiting for selection under the draft, they may offer themselves when it is to their best advantage. This theory must always be kept in mind, because it is a theory completely consistent with the way in which our Government has developed. The compulsory feature, when it involves the idea of training, is not offensive to any thoughtful person. When we realize that in the mobilization and gathering together of the C. C. C. boys there have always been more applicants for enrollment than the organization has been able to take, and when once the idea has gone forth to the Nation that the Army will live up to its part, that it will not take a trainee until they have the right kind of clothing for him, that it will not take a trainee until the right kind of housing facilities are available, that it will not call the trainees until the right kind of trainers are at hand, there is nothing to keep our boys from taking advantage of this great privilege, for it is a privilege and not an obligation. This bill gives to the youth of America another privilege which all know is exceedingly worth while if it is lived up to properly.

In the mobilization of 1917 we did call men when we did not have sufficient housing for them; we did call men when we did not have blankets for them; we did call men when we did not have shoes for them; we called men by the thousands, yea, by the hundreds of thousands, when we did not have proper trainers to command them. This bill gives us a chance to emphasize the fact that in the traditional manner voluntary enlistment and voluntary training go hand in hand with the selective theory.

I desire to refer to the provision on page 16 embraced in the first three lines, which are very important, and emphasize the fact that there has been great forethought in the wording of the bill:

The men inducted into the land or naval forces for such training and service shall be assigned to camps or units of such forces.

If that means anything, it means that we will not cheat a boy out of his military service by giving him a supposed training some place away from camps. The concentration points will be large concentration points, because the weakness of officer personnel and rank and file of our Army is that they have not the chance or opportunity to train in large units. The provision I have read should give to the people of the country the guaranty that we will not turn educational institutions, for example, into military camps; that we will not interfere with the ordinary processes; but that a boy who goes into the Army for a year's training will get training in a great camp. We know how to build camps and we know how to conduct camps. We did splendidly in the World War with regard to this particular activity. We built in all 31 great concentration centers, and after 6 or 8 months' time those centers were centers of great and worth-while training.

The quotas which are to be called for this training will be determined—and this, too, is important—on a State-wide basis, so that an injustice under the selective-draft theory will not be imposed upon a State which has already furnished more than its quota by the voluntary method. In making the

selection and ordering the men to the colors, this will be considered at all times.

I should say that the handling, classification, and ordering into service will be done as a result of the activity of local units, who will not be military men but civilians, acting in their civilian capacity, as they did during the last war.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield for a question.

Mr. RUSSELL. My question will be brief. Does the Senator from Utah understand the bill to provide that the number of those who have volunteered for service shall be counted in before the quota of those to be chosen under the selective system is arrived at?

Mr. THOMAS of Utah. That is the way I understand it will work, under the quota system outlined in the bill.

Mr. RUSSELL. Does the Senator know what date will be taken to start the computation?

Mr. THOMAS of Utah. That, of course, would depend upon the administration. I am assuming that the Army itself would be first classified, and then those who have volunteered under the present system would be considered and counted in, and then the new volunteers who will start with a year's training after the measure becomes an act.

Mr. RUSSELL. All the categories enumerated by the Senator would be deducted from the quota of those who would be chosen by the selective system?

Mr. THOMAS of Utah. I assume that would be the case.

Mr. JOHNSON of Colorado. That is the way the witnesses from the War Department testified it would be handled, not only as to the volunteers under the pending bill, but the enlisted men now in the service.

Mr. THOMAS of Utah. And the National Guard.

Mr. JOHNSON of Colorado. That is true; all of them.

Mr. RUSSELL. I have had a number of inquiries from my State on that particular point, and therefore I was very much interested in hearing the discussion of the able Senator from Utah.

Mr. JOHNSON of Colorado. Only the National Guard enlisted men who have been ordered into the Federal service will be counted, however.

Mr. THOMAS of Utah. Those who remain in State service will not be counted, because this is entirely a Federal proposition.

Another point is that the theory of deferment under the bill is based upon individuals and not based upon groups. There is but one exemption in the bill, which I will discuss later. It is an exemption which has to do with a person's occupation or a person's service in life.

All those who are now contributing to the training in the service of the Army and Navy of the United States, of course, are exempt from the registration. In conformity with an amendment offered in the committee by the junior Senator from Kentucky [Mr. CHANDLER], who is now presiding over the Senate, we very wisely, I think, accepted the idea that cadets of the advance course in the senior division of the Reserve Officers' Training Corps should also be exempt from registration. The theory behind that is simply a military theory. The boy who has gotten into the advance course of an officers' training corps is merely one step removed from a second lieutenancy. It would be unwise military policy to mar or to make ineffective the training of a commissioned officer for the sake of giving him a place in the ordinary training under the draft scheme.

In all other particulars groups are not recognized as groups, and each Senator should take into consideration the fact that wherever the committee had offered to it an amendment providing that a group as a group was to be made exempt, it did not accept the amendment, on the theory that the draft should act upon individuals, and each individual's condition should be taken into consideration, in spite of the fact that he belonged to a certain occupational group or to a certain scientific or professional group.

There is, of course, a single exception, the exception made for ministers of the gospel. It was assumed that the Army should not dip into the ranks of recognized, organized, and certified ministers of the gospel. Duly ordained ministers, therefore, may be spoken of as the only occupational group exempted, if I may speak of them as an occupational group.

Mr. President, I now come to what to my mind is one of the most important features of the bill, the attempt of the committee to make secure persons' jobs after the year's service, to make secure the insurance privileges they might have gained in their jobs, to make secure their seniority, and to make secure all of the relations they had gained as a result of working.

It was hard to draft this particular legislation, and the committee did try several expedients before it adopted the wording of the bill as it is before the Senate. Since in the discussion of the bill two great and worthy Senators questioned the constitutionality of this provision, it is necessary for me to go in rather a formal way into an attempt to show that the provision is constitutional. It would have seemed strange to me if we had the power, under the Constitution of the United States, to take a man and call him to service, but had not the power to guarantee his job after the service was over. I realize that is not law, that is merely sentiment, and since this is a government of law, perhaps it will be necessary to argue this subject sometime from the legal standpoint.

I should like to present now, in a rather formal way, what I think was the legal approach which the committee took when it adopted these very important amendments, and these amendments more than anything else will make the trainee provisions of the act successful from a national-defense standpoint.

The constitutionality of these provisions rests on the following basis:

First, the Constitution authorizes the Congress to make all laws which are necessary and proper for carrying into execution the powers vested by the Constitution in the Federal Government.

Second, the provisions in question are in their application to any case necessary and proper for carrying into execution the power to raise and support armies and to provide and maintain a navy and are, in the application to some cases, necessary and proper for carrying into execution the power to regulate interstate commerce.

Third, there is no provision in the Constitution which prohibits the exercise of these powers in this manner and for this purpose.

It will be noted that the employer is not required to restore the employee to his former position if the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

REMEDY UNDER THE NATIONAL LABOR RELATIONS ACT

The provisions of section 8 (d) of the bill provide that the failure or refusal of any private employer to comply with the reemployment provisions quoted shall be an unfair labor practice within the meaning of and for all the purposes of the National Labor Relations Act. That act, like this provision of the pending bill, defines unfair labor practices in such a manner as to include practices engaged in by any employer, whether or not he is engaged in interstate commerce. But the procedures provided by that act for the prevention of unfair labor practices can, by the terms of that act, be availed of to prevent any person from engaging in unfair labor practices which affect commerce. Therefore, the remedy provided in that act for the prevention of the unfair labor practice established under the pending bill will be available only in those cases where such practice is engaged in in interstate or foreign commerce, or where the practice burdens or obstructs such commerce, or has led to or tends to lead to a labor dispute burdening or obstructing such commerce. Where such a showing can be made, it is obvious, in view of the many recent decisions upholding the validity of the National Labor Relations Act and the power under that act to

order the reinstatement of employees, that the application of the provisions of the bill now under discussion can be upheld as an exercise of the commerce power. The rest of this discussion is, therefore, devoted to the broader grounds on which the application of the reemployment provisions in the bill can be upheld in any case.

REMEDY IN THE COURTS

The provisions of section 8 (e) of the pending bill provide that in any case in which no remedy is available under the National Labor Relations Act to require compliance by any private employer with the reemployment provisions quoted, the district court of the United States for any district in which such employer maintains a place of business shall have power, upon the filing of appropriate pleadings, to specifically require such employer to comply with such provisions.

This provision has no connection with the commerce clause. The question presented is whether the Congress has power, apart from the commerce clause, to require employers to restore employees to their former positions under the circumstances indicated above.

POWER TO RAISE ARMIES

The Constitution, article I, section 8, provides that the Congress shall have power to raise and support Armies and to provide and maintain a Navy. The Constitution does not specifically provide that the Congress shall have power to require employers to reinstate employees who have served in the Army, but, like many other powers which have long been exercised by the Congress, it is a power which may be exercised in order to make possible the most beneficial exercise of a power expressly granted.

DOCTRINE OF IMPLIED POWERS

The Constitution, article I, section 8, provides that the Congress shall have power to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof." The broad extent of the powers which may be exercised by virtue of this provision, often called implied powers, has been long recognized. The application of this provision to new circumstances, or its application in support of acts somewhat different from any of the precedents, is essential to the orderly functioning of our Government under the new conditions which it must face from time to time. A brief reference to some of the familiar statements concerning this provision will be sufficient to indicate that it may properly be invoked to support the provisions of the bill now under consideration.

In the exercise of the general power given by this provision Congress may use any means appearing to it most eligible and appropriate which are adapted to the end to be accomplished, and are consistent with the letter and spirit of the Constitution—*Logan v. United States* (Tex. 1892), 144 U. S. 282.

The word "necessary" does not limit the right to pass laws for the execution of the granted powers to such as are indispensable, and without which the power would be nugatory.

In ascertaining the sense in which the word "necessary" is used in this clause of the Constitution, we may derive some aid from that with which it is associated. * * * Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional.

That, of course, is from the famous old controlling case of *McCulloch* against Maryland.

Mr. President, since the last citation is from the *McCulloch* case, and since the spirit of the Constitution is mentioned in it, and since the Senator from Montana [Mr. WHEELER] has taken part in the discussion earlier in the day, I cannot refrain from a response to these two stimuli which came to my mind as I read them, because my mind went back to a great discussion carried on by the late lamented Senator from Kentucky, Mr. Logan, and the Senator from Montana with respect to whether or not there is a spirit to the Constitution of the United States.

Mr. President, John Marshall recognized the existence of the spirit of the Constitution of the United States. Every boy who has ever been taught the glory or the destiny of his Government recognizes and feels its spirit. Every man who knows in a comparative and intellectual way, as the result of a study of what that great document has done to so many millions of people, not only in this country but throughout the world, realizes that it is a spirit above all other things. I may say here that if the Constitution of the United States is figuratively brought over into the sphere of a living being, made up of mind, spirit, and body, he who mars the spirit may quite as well destroy the whole body as he who argues only for the letter, the jot, the tittle in an ordinary legalistic discussion.

I may also say that it is the spirit of the draft measure to see that American boys shall not be imposed upon in any way; to see that so far as it is possible their ordinary individual course in working out their own ordinary individual lives shall not be interfered with. It is the spirit of the draft measure that I hope will be administered and will be obeyed.

Let me say at this point that on page 29 of the committee amendment there is provided instruction to the director of the Selective Draft Act, and on page 27 in section 3 there is provision for the appointment of the Director under the authority of the President, the Director to be confirmed by the Senate.

I may further say that I hope when the President of the United States selects the man who is to administer this law he will look outside the range of the ordinary militarily trained individuals. It is in the spirit of the Government of the United States that we want to go into the administration of the law, and I hope that the President will choose a man who understands the worth of American institutions, not only to the country as a whole, not only to the armed forces, but to every individual citizen, and above all he should remember and keep in mind, especially at times when he is entering into contests with other lands, when armies are being raised, when they are marshaled, that there is no other land in the whole world quite like the United States. I say that because there is no other government in existence which does not administer its affairs in the spirit of doing the best thing for the government. But the primary theory of the American Government is that the governmental affairs shall be administered in the spirit of doing the best thing for the individual person within that Government.

That is what I mean by spirit so far as the proposed law is concerned.

By the settled construction and the only reasonable interpretation of this clause, the words "necessary and proper" are not limited to such measures as are absolutely and indispensably necessary, without which the powers granted must fail of execution, but they include all appropriate means which are conducive or adapted to the end to be accomplished, and which in the judgment of Congress will most advantageously effect it—*Legal Tender Case* (N. Y. 1884) (110 U. S. 440).

SOLDIERS AND SAILORS' CIVIL RELIEF ACT OF 1918

The Soldiers and Sailors' Civil Relief Act of March 8, 1918 (40 Stat. 440), is analogous to the reemployment provisions of the present bill. That act provided, among other things, for the stay of actions brought in the State or Federal courts against persons in the military or naval forces, for a stay of evictions in certain cases where the families of such persons failed to pay rent, and for the postponement of the payment of taxes payable by such persons. It is important to note that that act imposed substantial burdens upon—and, incidentally, this is in answer to the Senator from Washington, who asked me about property—and substantially interfered with private rights of individuals in order to afford protection to persons in the military and naval forces.

At the time of its enactment the question of its constitutionality was considered, and the reasons which led the Congress to believe that act to be constitutional are equally applicable to sustain the validity of the reemployment provisions of the present bill. The basis on which the Congress

acted at that time is indicated by the following excerpt from the committee report in the House of Representatives—55 CONGRESSIONAL RECORD, 7791:

Without burdening this report with citations, a single quotation from a well-considered decision of the Supreme Court in *Stewart v. Kahn* (11 Wall. 493, 1870) is of value not only as of general application, but as bearing directly upon the provisions of this bill.

In that case there was presented to the Supreme Court the question of the constitutionality of the Civil War Limitation Act of 1864, which provided that whenever, after an action should have accrued, the defendant could not, by reason of the interruption of the ordinary course of judicial proceedings, be arrested or served with process, "the time during which such persons shall be beyond the reach of legal process shall not be deemed or taken as any part of the time limited by law for the commencement of such action." The language of the Supreme Court in rejecting this contention is a direct application to the problem before us.

"Congress is authorized to make all laws necessary and proper to carry into effect the granted powers. The measures to be taken in carrying on war and to suppress insurrection are not defined. The decision of all such questions rests wholly in the discretion of those to whom the substantial powers involved are confided by the Constitution.

"In the latter case the power is not limited to victories in the field and the dispersion of the insurgent forces. It carries with it inherently the power to guard against the immediate renewal of the conflict and to remedy the evils which have arisen from its rise and progress. This act falls within the latter category. The power to pass it is necessarily implied from the powers to make war and suppress insurrections. It is a beneficent exercise of this authority. It only applies coercively the principle of law of nations, which ought to work the same results in the courts of all the rebellious States without the intervention of this enactment. It promotes justice and honesty, and has nothing penal or in the nature of confiscation in its character."

This law, it is to be noted, was held to apply not only to the Federal but to the State courts. As thus construed the decision was affirmed in 1884, in *Mayfield v. Richards* (115 U. S. 137, p. 142), where the Court said:

"The question thus raised was expressly decided by this Court in the case of *Stewart v. Kahn* (11 Wall. 493), where it was held that the act applied to cases in the courts of the State as well as those of the United States, and that thus construed the act was constitutional. We are satisfied with the judgment of the Court in that case and are unwilling to question or reexamine it."

The question before us, therefore, is, Is the proposed act appropriate or plainly adapted to the great end of the conduct of war and the support of an army? Does it or does it not present a direct effort to remedy the evils which have arisen and will continue to arise from its progress? If so, and no prohibition of the act can be found, it must be sustained. The question, therefore, very largely lies in a consideration of the purpose and scope of the law itself.

NECESSITY FOR REEMPLOYMENT PROVISIONS

To paraphrase the last paragraph of the excerpt quoted above: The present question is, therefore, whether the reemployment provisions of the bill S. 4164 are appropriate or plainly adapted to the support of an army. Do they or do they not present a direct effort to remedy the evils which have arisen and which will continue to arise whenever it is necessary to require large numbers of persons to serve in the armed forces. If so, and no prohibition of the provisions can be found, they must be sustained. The question, therefore, very largely lies in a consideration of the purposes and scope of the provisions themselves.

It would seem to be obvious that if the Congress has power to raise an army that power can be effectively exercised only if the Congress can take such measures as are necessary to make it an efficient army and to prevent undue hardships upon the persons who constitute the army. If there is any one factor in military science which is of all-embracing importance, it is the morale of the men who make up the fighting forces; and no one can deny that if we guarantee their jobs when their military service is completed we have taken a long step in providing the Army and Navy with patriotic men who are willing and anxious to serve their country. If it is constitutional to require a man to serve in the Army and Navy—and no one denies that power—it is not unreasonable to require the employers of such men to rehire them upon completion of their service, since the lives and property of the employers, as well as the lives and property of everyone else in the United States are defended by such service.

I am sorry that the Senator from Washington [Mr. BONE] is not present to hear this argument, because he will realize

that in the drafting of this measure we did have some thought as to property, we did have some thought as to responsibility, and we did not merely have in mind the narrow notion of taking a boy's life and using it for the Government's purposes.

CONSTITUTIONAL PROHIBITION

It does not seem likely that it will be seriously contended that the reemployment provisions of this bill contravene any of the prohibitions in the Constitution, unless it be the fifth amendment. It is well recognized and readily admitted that all the war powers conferred by the Constitution are subject to the fifth amendment. However, it is well established under the National Labor Relations Act that it is not a violation of the fifth amendment to require an employer to reinstate employees in appropriate cases. This bill by its terms does not require reinstatement in any case where it is unreasonable or impossible. If the Congress in the exercise of one of its great powers can require reinstatement of employees where it is necessary for the effective exercise of that power, it can likewise in the exercise of another of its great powers require the reinstatement of employees when it is necessary for the effective exercise of such other power. If the Congress can require an employer to reinstate employees so that interstate commerce will not be burdened, it can require an employer to reinstate employees whenever such requirement is reasonably necessary in the interest of the common defense.

Mr. REYNOLDS. Mr. President—

Mr. McNARY. Mr. President, will the Senator yield?

Mr. REYNOLDS. I am very happy to yield to the leader of the minority.

Mr. THOMAS of Utah. Mr. President, since I have been interrupted so many times, and since I have come to the end of what has been a rather formal presentation, I should like to conclude what I have to say—

Mr. REYNOLDS. I am glad to yield to the Senator from Utah.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). The Senator from Utah [Mr. THOMAS] has the floor.

Mr. REYNOLDS. I understood the Senator from Utah to take his seat, unless there is something wrong with my eyes. I beg the Senator's pardon. I thought he had concluded.

Mr. THOMAS of Utah. The Senator from Utah had not taken his seat.

Mr. REYNOLDS. I assumed that the leader of the minority thought the Senator had concluded. That is why the leader of the minority requested that I yield; but I am always happy to accommodate my colleague, and I am glad to yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. THOMAS of Utah. Mr. President, I am wondering whether or not the Senator from North Carolina would be glad to listen further.

Mr. REYNOLDS. The Senator from North Carolina would be delighted, because the Senator from Utah always talks most interestingly and delightfully. His words are better than music to my ears.

Mr. THOMAS of Utah. No ending I could make would be any finer than that, Mr. President. I desist.

Mr. REYNOLDS obtained the floor.

Mr. McNARY. Mr. President—

Mr. REYNOLDS. I am glad to yield to the leader of the minority.

Mr. McNARY. I thought the program was being followed, and that the Senator from Connecticut [Mr. MALONEY] was to speak next. I was about to suggest the absence of a quorum. Is it the desire and purpose of the able Senator from North Carolina to address the Senate?

Mr. REYNOLDS. Merely for the purpose of making comment upon a memorandum handed me a moment ago in the dining room, after which, of course, I would not think of interfering with the Senator from Connecticut.

Mr. McNARY. Very well.

UN-AMERICAN ACTIVITIES

Mr. REYNOLDS. Mr. President, when I was in the dining room a moment ago a man handed me a memorandum. It is

appropriate at this time, in view of the fact that we are talking about national defense. According to my belief, national defense means to defend ourselves from within as well as from without. I think our first duty is to get rid of the enemies in our midst. When we get rid of them we shall have lifted a great burden from our shoulders and considerable concern from the minds of the American people.

The memorandum reads:

DEAR SENATOR REYNOLDS: This man Bridges—

He is speaking of Harry Bridges—

ignored and rebuked our Senate, and especially our great and noble United States Senator Royal Copeland, chairman of the Committee on Commerce, and now he is rebuking the F. B. I.

If we had a few more aliens like him in the United States and with his certain energies no doubt in a very few years our United States and interior would be as helpless as France, when the Germans of late marched right in and took it without maximum resistance.

The House passed the deportation bill—

Referring to the bill for the deportation of Harry Bridges—

by a great majority. Why does not the Senate pass it? It would be such a great rejoicing to dear Senator Copeland, if he could only know the Senate passed it, and that deportation bill became a law, because Bridges tried to tear down the merchant marine as fast as Senator Copeland tried to build it up.

Mr. President, I am sure that if the late Senator Copeland were here today he likewise would be interested in the deportation of Harry Bridges, America's enemy No. 1.

Attached to the memorandum is a newspaper clipping reading as follows:

BRIDGES ATTACKS G-MEN

DENVER, August 9.—Harry Bridges, west-coast labor leader, charged last night that the Federal Bureau of Investigation was "too busy chasing unionists to ferret out spies and Nazi agents." He said he referred to Pacific coast airplane factories where organized labor had called attention to subversive activities 2 years ago.

Mr. President, while I am on my feet, and without presuming upon the time of my friend from Connecticut, I wish to bring to the attention of this body an article concerning the subject of alien enemies, saboteurs, spies, and so forth. I wish to read it. I think it is worth the while of this body and of readers of the CONGRESSIONAL RECORD. I clipped the article from this morning's issue of the Washington Times-Herald. It reads as follows:

DIES TO PRESS MOVIE PROBE—WILL ASK CONGRESS FOR \$50,000 MORE

LOS ANGELES, August 17.—Representative MARTIN DIES, chairman of the congressional committee on un-American activities, said last night his committee had uncovered sufficient evidence of subversive influences in the motion-picture and aircraft industries in southern California to warrant a "real investigation."

DIES said he would ask Congress immediately to appropriate an additional \$50,000 to complete the committee's study of un-American activities on the Pacific coast.

I digress, Mr. President, to say that I hope that if the Dies committee requests an additional \$50,000, the request will be granted without hesitation, because Mr. DIES and the members of his committee have done a marvelous work for the American people.

Continuing with the article:

"No more serious situation with relation to subversive influences is to be found in the country than on the west coast and particularly in southern California," DIES said. "The motion-picture industry offers unusual opportunity for subversive propaganda, the aircraft industry is a center of sabotage activities, and there have been reports of Japanese espionage work."

DIES boarded a train for San Francisco last night after 2 days of secret testimony by screen actors, Fredric March and Humphrey Bogart, writer, Frank Scully, nine members of the aircraft industry, and several others who appeared before the committee.

I think it worth while that the committee continue its investigation of activities participated in by enemies of the American Government. I dare say we do not hear as much about such activities as we should. I have heard that sabotage was taking place in the aircraft industry in southern California. No doubt many Members of the Senate have heard the same thing. The other day I heard that at Langley Field within 28 days there were 26 accidents, and that every one of the 26 accidents was caused by a defective landing gear. There must have been sabotage if the story

is true, because 26 accidents in 28 days would not have been occasioned by 26 defective landing gears.

Furthermore, I have heard it rumored that in the construction of ships on one occasion a certain very important bolt which aided in holding the gun to the deck of the ship was left out and that the place for the bolt was filled with an acid, so that within a short time the acid would destroy the foundation to the extent that when the gun was fired it would react backward instead of retaining its emplacement.

Those are merely two instances of which I have heard. I believe we may assume, from all we read in the newspapers—which is very little—and from what we hear, that investigations pertaining to such matters should be carried on very thoroughly, because our imminent danger is from the enemies within.

I apologize to my friend for having intruded upon his time.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

- S. 419. An act for the relief of Luke A. Westenberger;
- S. 2758. An act for the relief of Wade Crawford, formerly superintendent of the Klamath Indian Agency;
- S. 3400. An act for the relief of Capt. Robert W. Evans; and
- S. 3710. An act for the relief of James H. Hearon.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

- S. 2627. An act to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties; and
- S. 3354. An act for the relief of Nannie E. Teal.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 9751) for the creation of the United States De Soto Exposition Commission, to provide for the commemoration of the four hundredth anniversary of the discovery of the Mississippi River by Hernando De Soto, the commemoration of De Soto's visit to the Chickasaw Territory in northern Mississippi and other points covered by his expedition, and the two hundred and fifth anniversary of the Battle of Ackia, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

- H. R. 428. An act for the relief of Edward Workman;
- H. R. 532. An act for the relief of W. J. Hance;
- H. R. 1174. An act for the relief of Eucl Caldwell;
- H. R. 1912. An act for the relief of the estate of Alfred Batrack;
- H. R. 4441. An act for the relief of Alex Silberstein, Magdalene Silberstein, Alice Silberstein, Eleanor Goldfarb, Lillian Goldfarb, Jackie Goldfarb, and Florence Karp, minors;
- H. R. 4571. An act for the relief of LaVera Hampton;
- H. R. 5053. An act for the relief of Verdie Barker and Fred Walter;
- H. R. 5264. An act for the relief of Maj. Clarence H. Greene, United States Army, retired;
- H. R. 5814. An act for the relief of David J. Williams, Jr., a minor;
- H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co.;
- H. R. 6060. An act for the relief of John P. Hart;
- H. R. 6091. An act for the relief of Samuel Roberts;
- H. R. 6230. An act for the relief of James Murphy, Sr.;
- H. R. 6457. An act for the relief of the Wallie Motor Co.;
- H. R. 6512. An act for the relief of F. W. Heaton;
- H. R. 7131. An act for the relief of C. M. Kiser;
- H. R. 7139. An act for the relief of Joe L. McQueen;

H. R. 7346. An act to vest absolute in the city of Dearborn the title to lot 19 of the Detroit Arsenal grounds subdivision, Wayne County, Mich.;

H. R. 7815. An act for the relief of Boston & Maine Railroad;

H. R. 8333. An act for the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps, United States Army;

H. R. 8474. An act to further amend the Alaska game law;

H. R. 8613. An act to amend the act to provide for the retirement of disabled nurses of the Army and the Navy;

H. R. 8818. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way, in the city of Tracy, in the county of San Joaquin, State of California, and in the town of Elk Grove, in the county of Sacramento, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356);

H. R. 9073. An act to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe*, at Norfolk, Va., on October 27, 1939;

H. R. 9173. An act for the protection of the water supply of the town of Petersburg, Alaska;

H. R. 9921. An act to authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project;

H. R. 9942. An act authorizing the Secretary of the Interior to issue to Henry W. Shurlds and W. H. White a patent to certain lands in the State of Mississippi;

H. R. 9943. An act authorizing the Secretary of the Interior to issue to Ruth Gainey Branscome a patent to certain lands in the State of Mississippi;

H. R. 10004. An act to provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library of Beaufort, S. C.;

H. R. 10086. An act for the relief of David Jacobson;

H. R. 10124. An act to provide for a grant to the Richmond, Fredericksburg & Potomac Railroad Co. of a right-of-way across certain land owned by the United States;

H. R. 10141. An act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.;

H. R. 10155. An act for the relief of William M. Irvine;

H. R. 10176. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title;

H. R. 10181. An act to amend the Tariff Act of 1930, as amended by section 34 (c) of the Customs Administrative Act of 1938 (U. S. C., 1934 ed., Supp. IV, title 19, sec. 1001, par. 1529 (a));

H. R. 10191. An act for the relief of Anthony Borsellino;

H. R. 10205. An act to amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission;

H. R. 10246. An act to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission;

H. R. 10247. An act to authorize the use of a tract of land in California known as the Millerton Rancheria in connection with the Central Valley project, and for other purposes;

H. R. 10267. An act to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes; and

H. R. 10337. An act to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

- H. R. 428. An act for the relief of Edward Workman;
 H. R. 532. An act for the relief of W. J. Hance;
 H. R. 1174. An act for the relief of Euel Caldwell;
 H. R. 1912. An act for the relief of the estate of Alfred Batrack;
 H. R. 4441. An act for the relief of Alex Silberstein, Magdalene Silberstein, Alice Silberstein, Eleanor Goldfarb, Lillian Goldfarb, Jackie Goldfarb, and Florence Karp, minors;
 H. R. 4571. An act for the relief of LaVera Hampton;
 H. R. 5053. An act for the relief of Verdie Barker and Fred Walter;
 H. R. 5264. An act for the relief of Maj. Clarence H. Greene, United States Army, retired;
 H. R. 5814. An act for the relief of David J. Williams, Jr., a minor;
 H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co.;
 H. R. 6060. An act for the relief of John P. Hart;
 H. R. 6091. An act for the relief of Samuel Roberts;
 H. R. 6230. An act for the relief of James Murphy, Sr.;
 H. R. 6457. An act for the relief of the Wallie Motor Co.;
 H. R. 6512. An act for the relief of F. W. Heaton;
 H. R. 7131. An act for the relief of C. M. Kiser;
 H. R. 7139. An act for the relief of Joe L. McQueen;
 H. R. 7815. An act for the relief of Boston & Maine Railroad;
 H. R. 9073. An act to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe* at Norfolk, Va., on October 27, 1939; and
 H. R. 10155. An act for the relief of William M. Irvine; to the Committee on Claims.
 H. R. 7346. An act to vest absolute in the city of Dearborn the title to lot 19 of the Detroit Arsenal grounds subdivision, Wayne County, Mich.;
 H. R. 8818. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way, in the city of Tracy, in the county of San Joaquin, State of California, and in the town of Elk Grove, in the county of Sacramento, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356);
 H. R. 9173. An act for the protection of the water supply of the town of Petersburg, Alaska;
 H. R. 9942. An act authorizing the Secretary of the Interior to issue to Henry W. Shurlds and W. H. White a patent to certain lands in the State of Mississippi;
 H. R. 9943. An act authorizing the Secretary of the Interior to issue to Ruth Gainey Branscome a patent to certain lands in the State of Mississippi;
 H. R. 10124. An act to provide for a grant to the Richmond, Fredericksburg and Potomac Railroad Co. of a right-of-way across certain land owned by the United States;
 H. R. 10176. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title; and
 H. R. 10247. An act to authorize the use of a tract of land in California known as the Millerton Rancheria in connection with the Central Valley project, and for other purposes; to the Committee on Public Lands and Surveys.
 H. R. 8333. An act for the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps, United States Army; and
 H. R. 8613. An act to amend the act to provide for the retirement of disabled nurses of the Army and the Navy; to the Committee on Military Affairs.
 H. R. 8474. An act to further amend the Alaska game law; to the Committee on Territories and Insular Affairs.

H. R. 9921. An act to authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project;

H. R. 10246. An act to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission; and

H. R. 10337. An act to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes; to the Committee on Commerce.

H. R. 10086. An act for the relief of David Jacobson; to the Committee on Immigration.

H. R. 10191. An act for the relief of Anthony Borsellino; to the Committee on the District of Columbia.

H. R. 10205. An act to amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission; to the Committee on Interstate Commerce.

H. R. 10181. An act to amend the Tariff Act of 1930, as amended by section 34 (c) of the Customs Administrative Act of 1938 (U. S. C., 1934 ed., supp. IV, title 19, sec. 1001, par. 1529 (a)); and

H. R. 10267. An act to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration Facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes; to the Committee on Finance.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. MALONEY obtained the floor.

Mr. McNARY. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. MALONEY. I yield.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Schwellenbach
Andrews	Downey	La Follette	Sheppard
Ashurst	Ellender	Lee	Shipstead
Austin	Frazier	Lodge	Smathers
Bankhead	George	Lundeen	Stewart
Barbour	Gerry	McCarran	Taft
Barkley	Gibson	McKellar	Thomas, Idaho
Bone	Gillette	McNary	Thomas, Okla.
Bridges	Glass	Maloney	Thomas, Utah
Bulow	Green	Mead	Tobey
Burke	Guffey	Miller	Townsend
Byrd	Gurney	Minton	Truman
Byrnes	Hale	Neely	Tydings
Capper	Harrison	Norris	Vandenberg
Caraway	Hatch	Nye	Van Nuys
Chandler	Hayden	Pepper	Wagner
Chavez	Herring	Pittman	Walsh
Clark, Idaho	Hill	Radcliffe	Wheeler
Clark, Mo.	Holt	Reed	White
Connally	Hughes	Reynolds	Wiley
Danaher	Johnson, Calif.	Russell	
Davis	Johnson, Colo.	Schwartz	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

Mr. MALONEY. Mr. President, as I arise to make an explanation of my proposed substitute for the so-called Burke-Wadsworth bill I want first to set aside a few misunderstandings which I find now exist. First, I want to insist that in whatever form the bill may finally pass—and I hope and am confident that it will pass—it is a peace measure. It is intended and designed to keep the United States from the horror of war. That we can avoid war I am confident—but I am confident only because I am certain that we are now well on our way toward a national preparedness that will destroy any possible plan that any foreign power may have to attack our

country. The passage of this bill may be most important among the factors of our preparedness and national defense.

To set aside another misunderstanding I want to point out that this is not what is frequently referred to as an administration bill. I am informed that it was drafted under the direction and leadership of Mr. Grenville Clark, of the Military Training Camps Association, a New York attorney, who had come closely in touch with the activities which resulted in the building up and training of our military forces prior to and during the last war. I have heard—but am not certain about it—that Mr. Clark is a member of the Republican Party. The bill was thereafter—at the suggestion of Mr. Clark and his associates—submitted to the House of Representatives by Representative JAMES W. WADSWORTH, of New York—a prominent and very able member of the Republican Party, and a former Member of the United States Senate. It came to the Senate through our distinguished colleague—the junior Senator from Nebraska [Mr. BURKE]. I have been advised that the Senator from Nebraska was asked to sponsor the bill in this body to avoid any thought or charge that it be regarded as the handiwork of a political party or group—and to make as certain as possible that it be considered free from any partisan atmosphere. Since that time the Senator from Nebraska has announced that he is taking a political vacation and has temporarily left the homestead of his long-time political kinsmen. I say this with no intention of facetiousness—and with complete respect—but with the purpose of removing the thought which prevails in the minds of some people that this is a bill originating and sponsored by President Roosevelt or his administration. In truth it is a bi-partisan and non-partisan effort, properly to prepare our country and its young men against the possible danger of attack or invasion.

I know and respect Mr. Clark, and have served with Representative WADSWORTH and the Senator from Nebraska [Mr. BURKE], and I am entirely convinced that they have been motivated by the highest ideals of purpose and patriotism. Insofar as a means of preparing our country against an aggressor is concerned—and assuming no other consideration was involved—I could applaud their effort and their proposal. But there are other considerations, and other conditions, and views, which must be taken into account as the Congress of the United States studies a bill which is new to our way of life while we are at peace—and which would reach into almost every home, palatial and humble, and might vitally affect every one of them.

Mr. President, I do not now—and have not heretofore—associated myself with the views and statements of those conscientious men who are opposed to a selective-service bill under any circumstances. I respect them—and their right to their opinion—but those who see no potential danger to our national life and way of living—and can visualize no emergency or possible threat—excite my sympathy for what I regard as their poor judgment, and a weakness in their power of perception. If these men have called the turn wrong, and their wishes prevail, God help our country.

Perhaps there is no danger—and possibly no real threat. It may be true that we are invulnerable and that we are not threatened with attack or invasion. It is quite possible that no foreign nation or leader has designs upon our land or our fortunes—or has a thought of robbing us of our commerce or the peace we have earned by right living as a nation. It may be true that they are now or soon will be gorged with their conquests and captures—but the Senator from Connecticut has no such faith in the benevolence of tyrants.

I choose to look upon the international situation from the worst conceivable viewpoint—rather than from the standpoint of the most comforting case that can be made. My judgment and conscience—and my love of my country, and my family, and my fellow Americans—compel me to take the position that we prepare for the worst and pray for the best. I have an undying faith in God's goodness—but have learned out of my childhood training and His admonition, that we are to work out our own salvation—and that to enable us to do so He has endowed all men with an irrevocable free will.

The people of our country are more aroused and bewildered and excited by the war conditions about us—and over our action on this bill, and the defense program, than they have been before in the life of the Republic. None of us may ever have proof that our vote on this measure will have been the right vote—but we are bound by our oath and our sacred trust to forget all else but our solemn duty to seek to find a clear light and sound guidance as we make this momentous decision.

If I felt that war for us was a certainty—or likely—I would now tear up what is referred to as the Maloney amendment, and I would vote for the strongest selective service or conscription bill that the Congress could compose, to be effective this very day. But I do not think war is a certainty, or likely, at this time. War today, Mr. President, is only a possibility. Consequently I will not now tear up my substitute—nor will I tear up the teachings and traditions and practices more than a century and a half old. If it was clear to me that war for this country was imminent I would regard myself a traitor and a coward if I invited our young men to volunteer and gave to others, the less loyal, the privilege of waiting for a later compulsory call to service which might be tragically late.

I want all young men in our country treated exactly alike. Whether or not a sufficient number of young men will offer their services to this country in a peacetime emergency I do not know. There is no earlier experience on which to base an opinion and this would be the first time it was seriously attempted. I do know, however, Mr. President, that millions of our people think that there would be enough volunteers. I do know that the number of volunteers up to now has equalled our desire—and that the number of young men who have presented themselves for service has surpassed our declared needs.

My proposal takes into consideration the possibility of a failure to get the required number of soldiers. The call to arms by selective conscription is to be sounded only if our traditional peacetime voluntary system, in which we have long had pride, should not provide us with a needed Army. Perhaps those holding to this view are in the minority—and I am willing to concede for the sake of argument that they are. Who here is actually willing to ride roughshod over the opinions they hold—which are born of the love of their children and neighbors—and of the system of government we all cherish.

For many exciting and trying months I have been exerting what energy and talents I possess, to a strengthening of our national unity—both in the Senate and outside. I insist that without this national unity the Republic cannot endure. Consequently, if without danger to our country's security we can provide a reasonable period within which the enlistment process can be tried, and at the same time give adequate assurance that when the time comes a sufficient army may be put on the field, through the selective-service process, then we can preserve and maintain a unity among the American people. Neither extremists can then complain. Those favoring volunteers will have had ample opportunity to justify their belief. Those favoring conscription will have assurances that within a reasonable time the necessary armed forces will be forthcoming.

None but Members of Congress can completely appreciate how heated are the passions and excited the emotions of our countrymen, or how fixed and divided are their views on this issue. We hear from them every day—while those not in Congress are limited in their opportunity to feel the pulse and catch the heartbeats of the people over the land—from Broadway to Main Street, and in the humble homes on the hills and in the valleys and on the plains.

For all of these reasons, and for many more, Senators, I have sought to find a meeting place of the minds of our people. Ours is a heterogeneous Nation—and among us are rich and poor and all of those in between. They will not and they cannot think alike—because they live in localities of different viewpoint, and with some differences of social and economic practice.

These people are confused by the expression of opinions in Congress—and by the conflicting testimony of the high ranking officers of our armed forces, and by those without official connection who, with good intention, and possibly in rare instances with evil intention, tell us what should or should not be done. We here do know—on the basis of testimony by officers of the Army and Navy—that up to this day and hour the voluntary enlistments have exceeded the desires and demands of both the Army and the Navy. We know as well that young men in great numbers are constantly being rejected because of some such slight physical handicap as defective teeth—when they might be accepted, and given the chance at the kind of career or life to which they aspire—and at the same time be afforded assistance in correcting a minor defect which their financial circumstances puts temporarily beyond their reach.

In the small city of Meriden, in which I live, the American Legion has undertaken to assist in the national defense program by conducting classes in aviation. Approximately 200 young men enrolled for the training some time ago—but it was not until a few days ago—and after much pleading and effort—that the necessary papers were made available to undertake the work. In this instance the public—in its desire to move toward the perfection of our defense program—was ahead of officialdom. I now understand—as the result of a recent change—this delay is a thing of the past, but I mention this instance as evidence of the fact that so far as the peacetime volunteer system has been tried, it has not failed.

Keep in mind if you will that the volunteer plan is made at least slightly more attractive by provisions of my substitute proposal. I would give young men the opportunity to enlist for 1 year, rather than 3, but would thereafter have them in reserve for a period of years, and thus make their service less binding in period of time if their experience in Army life did not measure up to their expectations. Keep in mind if you will that I have proposed an increase in pay which, although in my judgment not yet sufficient, is at least more inviting than the \$21 a month now paid to these young men.

I should like to say here, in parentheses, in answer to those few people who have written to tell me that the pay increase proposal cannot be justified because "patriotism cannot be bought," that I am out of sympathy with their argument, although in accord with their statement that patriotism cannot be bought. Patriotism, though not purchasable, can be dimmed, however, by a disregard for men's needs. I did not propose the increase solely to attract men to the Army, but rather to give them a compensation more nearly in keeping with Federal payments to other young men, and for the purpose of pointing toward a proper payment, more in keeping with their wants, and more nearly proper for what they give to their country. I want to lift up the standards of the Army as best we can in this hour of hurried emergency—and I should like to say that had I been assigned to the task of directing our military forces I feel that I should have approached the undertaking in a manner differing greatly from that which has prevailed—particularly during this period of world turmoil.

Let me say again that I admit the probability of great danger. Let me say—and I say it with a heavy and an aching heart—that I fear the courageous British may fail. I dislike to say it—and I pray my fears are entirely wrong—but I say it because my conscience is compelling on the question of frankly expressing my opinion and feeling to those whom I represent and those with whom I serve.

Admitting this danger I insist that with my substitute we avoid the added risk of prolonging the hysteria among some of our people—and of stimulating their emotions in the wrong direction. I want to bring all of them back—as I always have—to a nation united in purpose. They are not without the patriotism—or the courage—or the will to sacrifice—but the shock of this proposal has been severe—as we might expect—and our duty here, as I see it—cannot be considered well done until we have given a leadership to those

who have given us their trust, and who have placed in our hands—and in the hands of President Roosevelt—the guardianship of their lives and their fortunes and their future happiness—and in a time like this the lives of their children.

May I be permitted to say at this time that, in my humble judgment, no leader of our Nation—not excluding Washington or Lincoln or Wilson—has been confronted with a period of service more vexatious or trying than the great humanitarian and statesman who now leads our people—and who has maintained the trust and confidence of his countrymen through panic and world strife, the like of which until our time had not befallen America. As he meets the continuing and aggravating changes in a world of chaos and crisis, I pray that he may have Divine guidance. I also most earnestly pray that those who see no emergency or occasion for decisive action may have a clearer vision of our national peril and our solemn duty.

I say again that the emotions of our people are stirred to a fever pitch—and I say sadly that they are divided. Every Senator has received mail charging Congress with a needless delay and mail pointing to what the authors describe as the horrible example of the politicians of Europe. Despite all of this Senators know that the rate of speed necessary to satisfy some of them could be brought about only by the abdication or abolition of Congress—and God knows that is not what we want.

Because I happen to be the individual who sought to find a place where we might nearly agree, I have received more mail and messages than some other Senators, and have had the better chance to know the passions of the feelings and the positiveness of peoples' views. I doubt that I have escaped a single one of the charges that the rest of you know—and I need not remind you that there is little immediate applause for the man who seeks to find an "in between" solution to a great legislative problem. There might have been an easier path than the one I selected, but in this exalted body every Member is called upon to give the limit of his time and energy and talents to his country—and permit me to add that for as little or for how long a time as I stay here I shall endeavor to do it.

I was once accused by a few people who disapproved of my votes to build up the Army and Navy of being a militarist. Since then, as a member of the appropriations subcommittees handling the Army and Navy appropriations, I have at times found myself impatient with what seemed to me to be the impaired vision of certain officers, as on occasion I found them lagging behind my desire to go more deeply and heavily and quickly into the program of national defense. All of this was before the march into the Low Countries of Europe. After that march some of those who as long as 8 years ago publicly charged that I was not concerned with the matter of world peace, proceeded to scold me for having contributed to "our delay and deficiency" in the matter of national defense. I make these personal references because I want the record to be clear, and that our observant and interested countrymen may have the opportunity to know the problem with which we are confronted—and why I have offered the substitute which I will soon explain.

I insist that my proposal has not until now delayed the Senate 10 minutes, and I insist that it would not delay the desire and need to strengthen our Army. I firmly believe that it would accelerate our national-defense effort because it would tend to solidify and strengthen the spirit of America. It would do this by giving proof of one kind or another to those who are intense in their feeling—some of whom charge that the immediate adoption of peacetime conscription abruptly violates our practices and traditions without fair trial—and at the same time disrupts our economic and social life. I do not insist that my proposal will prove the contention of the latter group, but it will give them the chance first to find out if they are right—and next to adjust themselves to the new practice should they be in error.

I ask my colleagues to please note that I am endeavoring to be completely frank. Before I have concluded I shall try even more frankly to explain how I feel about what is happening—in order that you here may know, and those who

come after us may know, that I am not trying to hedge on my position, but am trying, feebly perhaps, to bring order out of confusion, at a time when we should not only be of stout heart—but also of clear mind.

Perhaps I should stop here to give expression to how I feel about what goes on across the seas. I am partially prompted to do this by messages which I have received, asking if I lacked an understanding of what was happening abroad, or if I sought for political purpose to appease any of those who might be without sympathy for the Allied cause.

Let me say—with as much clarity of language as I possess—that I want to help England—but let me add that we cannot help her by smashing our own morale. I want to give refuge to the terrorized and helpless children of the Old World, by sending mercy ships to bring them to places of safety. I want to give Great Britain every assistance properly possible—and will only insist that we keep within the bounds of international law as interpreted by our State Department—and only to the extent (and I intend this to be taken in a broad sense) that our own defense is not impaired. I do not want to declare war or become involved in war, and I will not vote to send our soldiers to participate in a foreign conflict, but I will not be blind to the fact, or try to hide the fact, that our fortunes are to no little extent bound up in the fortunes of the stout-hearted and sturdy British people who are fighting with their backs to a wall. The admiration I feel for the people of Britain is beyond my gift of expression, and in their terribly sad adventure they carry my hopes and my prayers.

A man and woman in my State sent me a telegram a few days ago stating that it was time to end the ancient Irish-English feud, and go to the help of the British people. God knows no ancient animosities have affected me. The same suggestion was injected—without evil intent—in our discussion of the neutrality resolution of last year. Will you bear with me while I briefly read from a statement which I made at that time? I said:

During the days just behind us I have listened to Senators tell of the black marks on the record of the British Government. Theirs was not a new story to me. All my life I have heard of Britain's persecution of God-fearing and God-loving people. Almost by heart I know the whole story of those subjected to the violent dictation of England's might. My abhorrence of the dark shadows which British leaders have cast upon decent governmental practice has been as violent as England's rule; but I am not so blind as not to know that the English people were not to blame.

That is the end of the quotation. Let me add a further word now. This may be of no importance to anyone but me, but I want to say it for my own sake. I not only admire, but have a great affection for the English people, and I never knew one of them whom I did not like. I pray for their successes—and their liberation from the living hell which they are these days compelled to endure—and I pray that through the British Empire may come a returned freedom for the once free men of Czechoslovakia, and the men and women who lived under the flag of democracy in proud Poland. I share these prayers for the people of peace-practicing Norway—and those who were crushed in Denmark and Holland and Belgium and in Austria—who also loved peace more than all else save God and liberty and honor.

No less a fraction of hope do I have for the martyred people of the recently powerful nation and good people of France—and lest I yet be misunderstood, let me add that I do not now or ever want the support of those who are in disagreement with my feeling for those whose homes have been burned—whose children and loved ones have been destroyed—and whose liberties have been taken away. I have naught but scorn for those who see in my proposal, or my actions here, a bid for political profit. No greater public honor can come to a man than a place in this body, but the distinction is not worth the destruction of an innocent child in Europe, or a single man who wears the uniform of an American soldier. After having said that—let me emphasize that I want to help those who are searching for the high road to peace—and—let me repeat that we must keep peace among ourselves if we are to help bring peace to others.

I want to see the godless philosophy now rampant in the Old World completely destroyed. I do not want to see the peoples of any nation crushed, but I want to see the torn and oppressed nations liberated, and restored to their rightful standing and opportunity, and I hope to live to see the shackles removed from the good peoples of the totalitarian states—who first suffered from a moral and an intellectual kidnapping, and were then molded into a hateful war machine. As surely as the sun rises that machine—now bringing death and destruction to other people, will one day destroy the philosophy which drives it, and will leave long lasting scars on the drivers. The long painful climb of civilized man—and the glorious record of religious civilization, compel our faith in the eventual death of tyranny.

Mr. President, I have perhaps delayed too long in coming to an explanation of my proposal, but I have done so to attempt to make clear what has prompted it—and how I feel. I have not, and do not, and will not, condemn the Burke-Wadsworth bill. I only point out—again with a desire to emphasize—that it is not an administration bill—or even an Army bill. I tell you, what so many if not all of you know, that a great many millions of our people do not yet want this bill in its present form. Some of them may never want it, but in a darker hour I think most of them would demand it.

It has been said that my proposal is really an anesthetic for the conscription operation. I should prefer it be referred to as a possible cushion against a shock to our national life—or to the body politic. There is still an even better explanation which I doubt that I would have used if it were not so conveniently put at my disposal. I found it in an article written by Ernest Lindley—a prominent reporter and author, who is held in high esteem. In his newspaper column of August 16, a copy of which I have, he wrote in part:

One reason why conscription for military service is encountering an uphill struggle is the feeling that business is not being called upon for corresponding sacrifices.

I shall not now read all of the article, but further on it says:

The Anti-Trust Division of the Department of Justice has pending several suits involving industries of importance to the national defense. But it is feeling the pressure to "lay off," lest it make the industries involved non-cooperative with the defense program.

It already has run into difficulty in its suit against a number of the large oil companies. This was to have been filed almost 3 weeks ago. It was not regarded with open hostility by the oil companies, because it was a civil suit. It covered various questions which had been raised already in criminal suits and which would be raised eventually in additional suits, if this over-all civil suit were not carried through.

I beg the attention of Senators while I read the next quotation from Mr. Lindley:

The filing of the suit, however, was deferred on representations from the Defense Commission that it might impair the psychological attitude of the oil company officials toward the national defense program.

I shall not read further, Mr. President, but that seems to me to make a case for my proposal. I am concerned with the psychological effect on the many more millions of people—who are even more vitally affected—perhaps one day even to the point of offering their lives—by our defense program. How they feel—and what their attitude is, is of importance to me, and to our defense program—and to national unity, and to our country.

Mr. President, I am not now defending, approving or condemning, the Anti-Trust Division of the Department of Justice—nor do I care at this moment to associate myself with what else Mr. Lindley has written—but I think I might find logic in what seems to be referred to as the view of the Defense Commission. As a matter of fact I think the Defense Commission and its leadership is earning our approval and gratitude—but if they have taken this attitude and position they could not with consistency reject my suggestion—and I doubt that they would. I am concerned with industry's attitude—and want to protect industry's position, but I am at the moment—and I am sure I always will be—as much or more concerned with the attitude and feelings of those who have no others to intercede for them, or present their case, than I am with the attitude of those whom they elected.

I ask unanimous consent that Mr. Lindley's article—so that it may be fully understood—be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Without objection, it is so ordered.

The article is as follows:

NECESSARY SACRIFICES—IS BUSINESS TO BE PAMPERED?

(By Ernest K. Lindley)

One reason why conscription for military service is encountering an uphill struggle is the feeling that business is not being called upon for corresponding sacrifices. There are multiplying signs that the national policy with regard to business enterprise in its relation to national defense is to become one of extreme solicitude, bordering on pampering.

On one side it is proposed to compel men to bear arms. At least, they will have to take a year of military training. At most, they will be called upon to sacrifice their lives.

On the other side, it is not proposed to apply in any way the principle of compulsion to the industrial mechanism which must provide the weapons for these men, or to any other sector of the American economic system. Instead, to some who are dubious about the conscription of manpower, the official approach to business enterprise seems to be a compound of cajolery and bounties.

The two chief exhibits of the present approach to business are (1) taxation and (2) the efforts to throttle certain suits under the antitrust laws.

The tax question falls into two parts: Depreciation and the taxation of profits. It is generally conceded that if private capital is to be induced to invest in new buildings and new tools for the manufacture of munitions, it must be given reasonable assurance of recovering the investment within the period that the orders for munitions probably will occur. Accordingly, the Defense Commission obtained an agreement among all Government agencies that companies making these special investments, useful only for military purposes, should be allowed to write them off in 5 years. This means that they can deduct 20 percent for depreciation each year for 5 years as an item of cost in calculating the profit on which they may be taxed. The understanding is that if orders for military-defense purposes do not continue over a 5-year period, these companies can come back and obtain a further readjustment of taxes in their favor.

Until this arrangement is set up by law through Congress, the defense program on the manufacturing side is held up.

This liberal allowance for depreciation supposes, however, that the industries receiving it will make very small profits. Since industries, understandably, do not want to shoulder the risk of loss through failure of Government orders to continue long enough to justify the new investment, they are not entitled to a counterbalancing reward for taking the risk.

When it comes to taxing profits, however, the policy seems to be "go easy." In the view of several influential Members of Congress, the Government tax policy with regard to national defense is, for business, a "heads I win, tails you lose" proposition.

The Anti-Trust Division of the Department of Justice has pending several suits involving industries of importance to the national defense. But it is feeling the pressure to "lay off" lest it make the industries involved noncooperate with the defense program.

It already has run into difficulty in its suit against a number of the large oil companies. This was to have been filed almost 3 weeks ago. It was not regarded with open hostility by the oil companies, because it was a civil suit. It covered various questions which had been raised already in criminal suits and which would be raised eventually in additional suits, if this over-all civil suit were not carried through.

The filing of the suit, however, was deferred on representations from the Defense Commission that it might impair the psychological attitude of the oil company officials toward the national-defense program. Thurman Arnold, Assistant Attorney General in charge of antitrust work, has taken the reasonable position that he will not prosecute any practice, otherwise in contravention of the antitrust laws, which is essential to the national defense. But he balks at being asked to discontinue a suit, otherwise justified, on the ground that it might instill in the leaders of a particular industry a noncooperative psychology.

When the Defense Commission has completed its study of the specific hearing of the case on national defense, it may agree with Mr. Arnold. It may have to pass similarly on four or five other impending suits.

It seems clear enough that if a specific business practice, otherwise illegal, is valuable for national-defense purposes, it should be openly sanctioned during the period of the emergency.

But the contrast between the wary solicitude for the "psychological" attitude of business and the approach to the problem of obtaining men to bear arms is gripping some of the administration's sturdiest supporters in Congress. It may lead shortly to a real political explosion.

Mr. MALONEY. Mr. President, there are many underlying reasons for the thousands of pleading and sorrowful and pitiful, and sometimes violent messages, that Members of Congress have received in connection with the pending bill. The leadership of the great labor organizations of the country—the American Federation of Labor, and the Con-

gress of Industrial Organizations—have publicly opposed it, and have notified their members of the opposition. Many church groups are opposed to it. I noted in the press the other day that the W. C. T. U. had announced its opposition to a draft measure. Millions of individuals over the country—for many varying reasons—are hopeful that an immediate selective draft bill will not be passed by Congress.

The grandfathers and the fathers of many young Americans long ago left their native lands to run away from compulsory military service. They not only abandoned the places of their birth, and for the last time looked upon their humble homesteads—but in countless instances looked for the last time upon their own mothers—as they hastened by steerage passage to a land of freedom. They had developed a hatred of conscription and compulsory service, and I presume over the years they have time and time again told their children of that hate—not only of war and war machines—but of compulsory army service. I do not know that they were always right, nor am I at all satisfied that good has come out of the recollections that they have passed on to their children—but I do know, Mr. President, that the seed sown over these years has blossomed, and it cannot be immediately and quickly taken from the minds of these young men. I hasten to add that the situation confronting them now is not at all like the situation confronting their parents and grandparents, but actually is the horrid and hateful and bitter result of these earlier conscriptions in lands across the sea. We have come to the time of our lives when we may be compelled to fight fire with fire, and certainly to a period in our lives when we must meet the situation from which men of another day fled—but from which, Mr. President, we cannot now flee. I mention this only because I want to show a need that we be realistic.

Right or wrong, the views, wishes, and opinions of these groups and these individuals certainly must be considered; and while I cannot go all of the way with them—or even very far—I want to meet them some place on the road—and try as best I can to provide a substitute that is in every way sufficient for our need and tries to meet the country's composite view.

Earlier in my statement I admitted the potential danger, and even the possibility of attack, but I am sure that the time has not yet arrived to distribute gas masks, to plow up golf courses, and to build bomb shelters. I am confident that there is at least yet a little while for an orderly and calm procedure. I believe that we will enlist men under my plan just as fast as the Army can digest them, although I want to insert here my belief that it is not necessary to wait until there is equipment and a rifle for every soldier before he be permitted to undergo training. I realize that much can be done to train men without all the equipment that they will finally need, but that is not by itself a sufficient reason for calling away from their professions, and their business—and their families—young men who are in peacetime at least not quite ready to make the change.

Were we in the midst of a war—or were war at our door—we would have to go further than the Burke-Wadsworth bill would go. But as all Senators know, any kind of a draft—so long as we are at peace—should be approached cautiously, even if not reluctantly. There are some men who would even draft industry and capital—but I want to say here for the record, that I would be opposed to such a program. The next step after the conscription of capital and industry would be a conscription of labor, and I would just as bitterly oppose that. A conscription of either would lead to the conscription of the other and at that point we would have thrust upon us the way of life against which democracy is fighting. I know that should war come to America, industry and capital and labor would be called upon to make sacrifices—and would make them I am sure—but do not let us rush into the business of compulsion and conscription too quickly and blindly. I do not mean that we want to ease into it, either; but let us have a sufficient breathing spell to adjust ourselves to a necessary intrusion upon our orderly and present way of life. If we do it I am confident that we

will better prepare ourselves for any emergency, and give a greater strength to America and American arms than if we made a headlong dash into a situation that we do not yet fully understand.

During the past several days the newspapers have printed thousands of columns on the subject which we are debating. Radio commentators, other men in public life, and patriotic spirited citizens on either side of the issue, have discussed this proposal. There is speculation one way and the other as to how President Roosevelt feels about the Burke-Wadsworth bill, and how the man opposing him in the coming election feels about it. I do not know how either of them feels, but, on the basis of the statements they have made, I am able to believe that they are not in disagreement with my suggestion. I know that in my own State there is a strong feeling concerning the danger with which we may be confronted—but I know as well that there is a strong support for the suggestion that I have made. The Governor of my State, who in his capacity as chief executive of our Commonwealth is endeavoring to contribute to the national-defense program, has taken no position on this bill, or on my proposal—although on many other matters considered here I have had an expression of his views by wire and by mail. It so happens that I am a candidate for reelection this fall; and it also so happens—and perhaps it is not strange—that there is more than one man seeking the nomination in the other party. None of them has offered a word of criticism to the suggestion I have submitted, and I am assuming, in the absence of an expression of opinion by them; that they may be in accord with my view. I think that my State as a whole is in agreement with me—although I confess that I have no very definite proof of it—and I can judge only from my personal experience, and from what I have heard and read—that an overwhelming majority of my constituents feel that the matter can best be left to the deliberation and judgment and decision of Congress.

I do know, Mr. President, that three of the leading newspapers of Connecticut have printed editorials which express sympathy with my effort, or suggest that the idea is deserving of the most careful consideration.

I shall not read the editorials, but I ask unanimous consent that there may be printed in the RECORD at this point an editorial from the Hartford Times dated August 13, 1940, entitled "Make Haste Slowly."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Hartford (Conn.) Times, August 13, 1940]

MAKE HASTE SLOWLY

The only issue involved in the conscription bill, to all intents and purposes, is as to the immediate necessity for resorting to the draft process to increase the armed forces of the country.

Some few persons might object to conscription under any circumstances, even if the Nation were faced inescapably by a defensive war. Such persons must be few in number indeed. Most reasonable-minded persons accept conscription as an inevitable concomitant of actual war.

The basis of objection to the Burke-Wadsworth bill is first of all a denial that war actually impends. If the danger of war were plainly great, practically all the objection to conscription would vanish overnight.

In the face of conditions it is not at all surprising that doubt exists. The idea that Hitler might attack the United States seems fantastic, in spite of all that has happened abroad. Even those who are enthusiastic for the conscription bill do not believe such an invasion will take place. They would merely safeguard the country against the possibility.

Nor is there any conclusive agreement that the need for such safeguarding calls for immediate conscription. For almost every authoritative opinion favoring conscription there is an equally authoritative one that the necessity for conscription is not clearly indicated. If some of the votes on amendments to the National Guard bill afford criterion, at least a third of the Senate will be found unconvinced as to conscription.

Despite the Gallup poll as reported yesterday it is patent that there is a large division in public opinion.

Regardless of Senator BARKLEY's attempt to brush aside as unimportant the proposed substitute bill offered by Senator MALONEY, that plan furnishes a large degree of answer to the problems raised by the issue. The Senator is not an anticonscriptionist. He realizes that it would be the only fair and probably the only practical method of raising an army in the event of war. But he is unconvinced that the situation is such that the Nation must resort to it now.

The Maloney bill contemplates first an attempt to obtain the necessary number of men for the Army and the Navy by voluntary enlistment, under a plan by which the pay in these services would be rendered more attractive.

If this has not achieved its purpose by December 1, then the Maloney bill would authorize the President to obtain by draft process the number of men needed to bring the Services to the required figure. Such a law would answer many objections to the Burke-Wadsworth bill. It would provide for a system of selective draft whenever needed, provide a waiting period before the country commits itself to that.

In such waiting period the events of the future may more clearly indicate themselves. The bill would give the voluntary enlistment plan a thorough test under conditions more favorable to its successful use than those which now prevail.

Something of the order of the Maloney plan would appear to be wiser legislation than forcing through the Burke-Wadsworth bill now in the face of a largely hostile public sentiment. Happenings of the next 3 months are more likely to clarify the situation as to our own immediate military needs than to create any danger arising out of our delay. Pressing all our preparations in producing material, we can afford to await a second thought and a clearer view before going into conscription.

Mr. MALONEY. I ask unanimous consent, also, Mr. President, that there may be printed in the RECORD at this point an editorial from the Hartford Courant dated August 16, 1940, entitled "The Possibility of Enlistments." This latter is not an approval of my substitute, but contains an interesting comment upon the matter of giving a further trial to the volunteer system.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Hartford Courant of August 16, 1940]

THE POSSIBILITY OF ENLISTMENTS

If sentiment is growing in the Senate for amending the conscription bill along the lines proposed by Mr. MALONEY, of Connecticut, who believes that conscription ought not to be resorted to until voluntary enlistments have been proved to be insufficient for the present needs of the armed forces, the reason probably is to be found in the effectiveness of the debate that has been carried on in the Senate in recent days. Although it started off in the worst possible manner with the personal exchanges between Mr. MITCHELL and Mr. HOLZ, the debate has now reached the plane where facts are being developed and theories are being tested by them.

The speech of Mr. WHEELER, of Montana, was particularly noteworthy for the light that it shed on the question of how many men are needed for the defense of the Nation at the present time. First of all, Mr. WHEELER cited the opinions of several outstanding military authorities—Mr. Hanson W. Baldwin, Maj. George Fielding Elliot, Col. Frederick W. Palmer, and Mr. Basil C. Walker. Three of the four—Mr. Baldwin, Colonel Palmer, and Mr. Walker—have expressed the opinion that the situation calls for an army of not more than 400,000 men, while in the judgment of Major Elliot the proposed Army should not exceed 600,000 men. Such estimates contrast sharply with the one made by the Assistant Secretary of War, Mr. Patterson, who in a recent broadcast declared that forces numbering 1,300,000 men were necessary. Yet it was the judgment of the lay authorities, not of the Assistant Secretary of War, that was upheld by the Chief of Staff of the Army in his testimony before the Military Affairs Committee of the Senate when he said that 500,000 men should be regarded as the war strength of the Regular Army.

How many men, then, are needed to bring the armed forces up to war strength? At present the strength of the Army is supposed to be about 255,000, with enlistments coming in daily. The National Guard now has a strength of 230,000 men, which the Chief of Staff would like to see increased to 400,000. The upshot is that in order to bring the armed forces up to the strength that the Chief of Staff believes to be necessary new men to the number of 415,000 must be raised, about a third of the whole number that would be put into training under the conscription bill as originally planned, whereby 400,000 men would be called to service in October, another 400,000 in January, and still another 400,000 in April.

Is conscription necessary to raise 415,000 men? Mr. Baldwin does not think so. The Chief of Staff and Major Elliot, among others, do, but the point to be noted is that they appear to favor conscription only because the system of enlistment would not raise the desired number of men in the period of time that they believe is essential. In the hearings before the Military Affairs Committee the Chief of Staff expressed the opinion that 335,000 men could be raised under the present system of voluntary enlistments, but we cannot get them rapidly enough. At the same time, he testified that in June, when the Army had to pursue a cautious policy because of a shortage of funds, it enlisted 18,000 men, 3,000 over its quota, out of 27,000 applicants. The figures for July are not complete, but the indications are that the rate set in June is being maintained, if not exceeded.

At the rate of even 20,000 enlistments a month, some 20 months would be required to fill the quotas that the Chief of Staff has set. But the point is to be noted that the enlistments thus far have been made under what General Marshall called a cautious policy. What are the possibilities of improving the rate of enlistment by making enlistment more attractive? One step has already been

taken in the Senate by increasing the pay of the soldier from \$21 to \$30 a month, a change that, according to information received by Mr. David Lawrence, would make enlistment more attractive than it now is to boys discharged from the C. C. C. Furthermore, a reduction of the term of enlistment to the same period as is proposed for the training of the conscripts might increase enlistments to a point where conscription would cease to be necessary.

Perhaps when all the facts are in, the weight of the evidence will indicate that conscription is still necessary, although almost certainly on a smaller scale than is envisaged by the bill as it now stands.

Mr. MALONEY. I ask unanimous consent, also, Mr. President, that there may be printed in the RECORD at this point an editorial from the Day of New London entitled "Conscription Modified."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New London (Conn.) Day]
CONSCRIPTION MODIFIED

The plan proposed by Connecticut's senior Senator, FRANCIS T. MALONEY, to modify the Burke-Wadsworth bill, which would conscript the men of this Nation and train them in military sciences, has much to recommend it. There is, in fact, mounting doubt that the provisions of the conscription bill are needed to obtain an adequate defensive force of soldiers if the rate of pay offered in the Army is increased by some reasonable figure and if the term of enlistment is lowered to 1 year.

One high Army executive told a congressional committee, in fact, that he believed sufficient enlistments to fill the Army's needs could be obtained if these conditions were changed. Others have disagreed, but there seems to be no doubt that a sharp increase in enlistments would follow a boost in the soldier's pay, a decrease in the length of time for which he is "signing up," etc.

There is also the official admission in Washington that if large numbers of conscripts are called out, almost at once after passage of the measure, the Army won't have the equipment and facilities to handle them. This unpleasant fact isn't going to change, of course, whether the men needed enlist or are drafted; one might as well recognize that fact, of course. But a volunteer system of enlarging the Regular Army still seems preferable to a conscription system if it will obtain the men needed just as readily. Conscription, in fact, has never before been resorted to in peacetime in this Nation, and as a fundamental theory doesn't appeal to many citizens in this instance, if it can be avoided, without loss of efficiency and speed in building up the defensive force needed.

Brig. Gen. William E. Shedd, Assistant Chief of Staff, admitted the other day that the Army would be unable to absorb a full quota of conscripts before December at the earliest. Senator MALONEY's compromise suggestion is that the Government require young men between the ages of 21 and 31 to register immediately, but delay until 1941 the calling of the first class of conscripts for training. Meanwhile Army officials have revealed that the service has been obtaining new recruits without too much difficulty under a "cautious policy" dictated by lack of funds. It enlisted 18,000 men out of 27,000 applying, and was thus 3,000 men over its assigned quota in one recent period alone, the month of June. There is ample reason to believe that with a higher scale of pay, a shorter term of enlistment (a factor that has an important bearing on the decision of young men who want to try life in the Army but hesitate to agree to serve 3 years when not certain they will like it), and an abandonment of the "cautious policy," the Army could obtain a much larger number of volunteer recruits. Whether it could obtain all that are needed remains to be seen, since it isn't going to be ready to receive men in large numbers until well along toward the first of the new year, if not after that, it certainly wouldn't do any harm to find out how new conditions of enlistment and pay appeal to young men. This may show that all of the debate about conscription was unnecessary. It may not be such a spectacular way of preparing this Nation to defend itself, but it seems likely to offer a saner course nevertheless.

Mr. MALONEY. These editorials are from three great newspapers, Mr. President, and represent honest and candid expressions of opinions.

Now Mr. President, I should like to explain a few—although important—differences between my proposal and that submitted by the Committee on Military Affairs.

I have heretofore spoken briefly on the matter of a pay increase. The suggestion was contained in the original draft of my substitute, which I submitted to the Senate on the day that the Burke-Wadsworth bill was reported by the Committee on Military Affairs. Several other Senators at about that time, or since that time, have submitted somewhat similar amendments, and other amendments dealing with other subjects, somewhat like those included in my proposal.

The pay increase amendment was accepted by the Senate several days ago after having been submitted by the junior Senator from Oklahoma [Mr. LEE]. I said then, and I now

repeat, that I think that it could be improved upon, and because I explained at that time in what way I felt that it might be improved, I shall not dwell longer upon this item of the bill. I think the suggestion I make is an improvement over the one accepted last week.

My proposal also makes provision—and I think that this is extremely important—for an exemption from draft for regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than one year prior to the date of the enactment of this act. This in my judgment is extremely important to our country, and to our way of life, and to the civilization of the world.

Mr. LEE. Mr. President, will the Senator yield?

Mr. MALONEY. Mr. President, since becoming a Member of this body, and while I have been a Member of Congress, I have never refused to yield promptly; but I prefer to complete my statement, and then I shall be pleased to yield for any question the Senator may desire to ask.

Mr. LEE. I wish to direct an inquiry to the very point which the Senator is discussing.

Mr. MALONEY. I shall be pleased to try to answer the inquiry at the conclusion of my statement.

THE PRESIDING OFFICER. The Senator declines to yield at this time.

Mr. MALONEY. Mr. President, a large part of the reason why the world is sad, and ablaze, and at war, is due to the fact that men in some countries abandoned religion and the teachings of God. There can be no happiness where there is godlessness, or no success worth while where men are not conscious and proud of their relationship with God. If the leaders of the foreign totalitarian states had mobilized their people in the legions of the Redeemer, and had taught their children to walk in His path, there would have been no bloodshed, no terror, and no strife. Some day these peoples will come back to the teachings of the gentle Galilean, but, until they do, those parts of the world which have neglected Him will continue to be an inferno, and the flames will reach out to cast devastation upon defenseless states—and may well threaten the powerful if they be not vigilant.

No country or no individual can have too much religion. Give a country enough religion and it will acquire such other treasures and happiness as are necessary.

And so in connection with the consideration of this bill, let us make certain that we do not lessen the extent of God's teachings—and that we strengthen His legions—and give force to His ministers regardless of the religion they profess and practice. We cannot weaken our moral fiber by taking off the armor of the church. We know that what successes we have had have come out of God's goodness—and I want to—by way of this section of my proposal—make certain that as we build our military forces we strengthen our spiritual armament.

In addition to an exemption for the men who are anxious to devote their entire lives to the work of God and their fellow men, my proposal would temporarily exempt from compulsory service young men enrolled as students in any recognized college or university and who were so enrolled during the year 1939-40. These young men would not be permanently exempt from conscription—if conscription becomes effective—but would be granted deferment until their year of graduation, or, in any event, until they became 24 years of age.

I have attempted to provide that the President be authorized to organize and maintain training units at any college or university, for the purpose of providing military training, or such other training as he may deem to be necessary in the national interest, for students who are enrolled in and are regularly attending such college or university, and to furnish officers, instructors, and equipment for such units. The President would be authorized to fix the terms and conditions of service in such units and to induct into such units students who volunteer for such service. Under my proposal such students would receive compensation at the rate of \$5 per month while they are in service and in college.

I can say almost as much for this provision of my substitute as I can for the one to which I have just earlier referred. Our Nation is great and powerful largely because of our splendid educational system. We are further advanced than other countries because from the earliest days we have recognized that the best way to store up national wealth was to deposit learning in the minds of our children, and in our young men, and young women. We have made those deposits regularly, and up to a certain age have made them on a compulsory basis, and we have to a very great degree reaped a rich harvest in culture and every other kind of success. They have made us the richest and most powerful Nation in the world. To disrupt this part of our national life, and to interrupt the studies of young men in the midst of their college careers—in time of peace—would not only give a disappointing set-back to the young men themselves—but would rob our country of that wealth of knowledge and learning that may be much more needed in the days ahead, than it has been necessary in the days behind us. If war should one day come I would abolish the exemption—but we must not have a moratorium on intelligence.

To strengthen my argument for the approval of this section of my proposal I am able to call a great witness. On August 14 I read in the newspapers a statement announcing that President Roosevelt, the Commander in Chief of the Army and Navy, had advised college students that "it is their patriotic duty to continue their education rather than to enroll in the Army or Navy or to find employment in strategic industries."

I think other Americans share the feeling and opinion of our President, and I do not believe that the Senate is in disagreement.

I should like to point out now, Mr. President, that several days ago the able Senator from Nebraska [Mr. BURKE], co-sponsor of this bill, made the statement in the Senate that he approved of the sections or parts of my substitute proposal that I have just discussed. He told me earlier, and privately, that they were not only acceptable to him, but that they had his approval, and that he hoped that they would be incorporated in "his" bill, or any bill that was passed. I have not discussed the matter with the chairman of the Committee on Military Affairs, but I hope that he may find himself in accord with the views of the gentleman who sponsored this legislation, and I hope that the Members of the Senate may come to a like conclusion.

And, now, Mr. President, I come to the section of the substitute which is more controversial. It is simple—and can be very briefly explained. I would provide that, after registration, we try the volunteer system, as we seek to obtain such numbers of soldiers as the President feels are immediately necessary. After the President had issued a proclamation calling for a limited number of men, my plan would delay the draft provisions until January 1, 1941—or, as it now appears, for a period of about 4 months. If it was at that time found that the number of qualified men who had volunteered was less than the number called for in the President's proclamation, he would be authorized to immediately induct into the land and naval forces such additional men as were required to make up the necessary quota. That is a brief and quite simple explanation of my proposal. The only difference between what I offer, and what is offered by the Military Affairs Committee, is that under the committee's proposal the President would be authorized to immediately put into effect the selective service and compulsory plan.

I have given you all my reasons why I thought it best, for our country's sake, to delay the compulsory feature until the volunteer plan is tried. I make no prediction as to whether or not the plan will work—and insofar as time and preparation are concerned I insist that it will make no difference whether or not it works. On the basis of past experience—including the experience of these last several months—we did get enough volunteers to meet the Army's demands, and the Army's ability to digest or assimilate them. Countless people would go as far or farther in one direction than the Burke-Wadsworth bill. Another countless group of people would go

as far or farther in the opposite direction. I have tried to find an acceptable middle ground, and, for the reasons which I have given in this statement, which I make under the pressure of the heavy work with which all of us have been confronted.

None of you here have escaped criticism for your attitude or decision on this subject. Regardless of what we do we will be criticized. People will become impatient with us for what they regard as delay—even though we hurry—and others will be just as harshly critical, and equally impatient, and charge that we go too fast.

Mr. President, I am just about old enough to remember very clearly the World War—and its sad as well as questionably romantic side. I can still see the tear-stained faces of mothers and sisters and sweethearts say goodbye to their sons and their brothers and their sweethearts. I know that their feelings were a mixture of pride and sorrow, and I know as well that the overwhelming majority—if not every last one of them—gave their sons with a patriotic and "willing" reluctance—a reluctance born of parental love—and yet a willingness born of a deep patriotism—fused in a spirit of national unity. We were then a united people, and the country knew that President Wilson had come to the historic decision, only after all else had failed but war. Let me repeat we were then a united people.

We will again be a united people, Mr. President, but we must convince our fellow Americans—that we, their chosen representatives, share their horror and hatred of war—and that we delay the calling of their sons and their sweethearts and their brothers only for so long as it can be done with safety.

The service flags in my neighborhood were up early in the World War—as they were in so many other neighborhoods over this far-flung country—and they will be again should the country call. Some people cannot yet see our danger as clearly as others. We must help those who fail to sense the possible peril to the Nation, by keeping their confidence, and by trying to preserve their trust in us—and in our judgment. We must make them aware that we can be calm—though we are compelled to hurry.

I want to give no comfort to any potential foreign foes. I am hateful of their philosophy and practices, and I am in accord with the foreign policy of the President of the United States. I believe that for our country our beloved President would burn at the stake—and I believe that for their country, every man, if the need came again, would make every sacrifice necessary. To all of us here liberty is sweeter than life itself, but to all of us it should be clear that at this moment we can preserve the true and complete spirit of liberty by giving our countrymen a chance to make up their minds, and a chance to demonstrate their patriotism.

The last thing we want in America is a dictated unity. The totalitarian powers have complete unity—but of the false and temporary and dictated kind. Probably there will come a day—and in the not distant future—when we may be compelled to impose restraint and restriction upon our normal desires and practices—and it is with that thought in mind that I approach this great question. I have tried to avoid delay in the consideration of every national-defense matter that has come before the Congress—but sometimes careful deliberation makes haste. I think that this subject has been as carefully considered and debated as the vicissitudes of the hour permit. I have faith in our people—and complete faith in the judgment of my colleagues—and on that faith I submit this suggestion and this substitute. I ask that we enact into law "the middle way"—which offers to those in favor of conscription, and to those who desire enlistment only, a common basis for reconciling our democratic traditions, and our pressing need to be strong. By this law we can help to vindicate our democratic process, and by a demonstration of national unity proclaim to the world that we stand ready to meet the awful challenge of those whose announced destiny is the destruction of the democracies. Our way—the hard way—will confound them—and our people will rejoice in a rebirth of freedom.

Mr. AUSTIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Vermont?

Mr. MALONEY. I yield.

Mr. AUSTIN. It has been a privilege to listen to practically every word of the patriotic and spiritual address of the distinguished Senator from Connecticut. The few interrogatories I desire to propound I wish him to understand are in search of truth with respect to the differences and the likenesses between the original bill and the amendment which he proposes in the nature of a substitute. I will not weary him with many questions.

In the first place, I want to ask if he understands that his amendment imposes exactly the same liability on all young men between the ages of 21 and 31 which the original bill imposes?

Mr. MALONEY. Yes, with the exception which I noted in my statement.

Mr. AUSTIN. That is to say, every male citizen of the United States and every male alien residing in the United States who has declared his intention to become such citizen between the ages of 21 and 31, other than those excepted from registration under section 5 (a), shall be liable for training and service, and so forth.

That is identical language, is it not, in both the substitute and the original bill?

Mr. MALONEY. That was my intention, I will say to the Senator.

Mr. AUSTIN. The striking difference, if there is a difference, in effect, occurs in the language following that in the proposed amendment. The Senator's proposal provides that the President shall have authority to issue prior to December 1, 1940, a proclamation calling for volunteers, whereas the original bill provides:

That any person between the ages of 18 and 35 shall be afforded an opportunity voluntarily to enlist and be inducted into the land or naval forces of the United States for the training and service prescribed in subsection (b), if he is acceptable to the land or naval forces for such training and service.

I should like to ask the Senator's opinion as to the difference between those two provisions? Does the Senator consider that there is a difference?

Mr. MALONEY. Yes, I do consider that there is a difference, I will say, as I understand the bill of the committee. It seems to me my amendment very definitely imposes a restriction insofar as the selective service feature is concerned; that is, under the committee draft of the bill as submitted to the Senate there is a provision that the President may issue a call for volunteers, and they may be accepted, but, at the same time, as I understand the committee bill, he is authorized to put into effect the compulsory military plan, whereas I would defer it under any and all circumstances until January 1, 1941.

Mr. AUSTIN. I apprehend that is the construction almost anyone would put upon the language. The essential difference, then, is the difference in the time when the compulsory selective training service goes into effect?

Mr. MALONEY. So far as that feature is concerned, that is the only difference.

Mr. AUSTIN. Then I wish to have the Senator's opinion on another point. If his amendment should become law, and the voluntary plan should go into operation, and many more volunteered than were necessary, does the Senator understand that the same selective element which exists in the original bill exists under his amendment as to volunteers?

Mr. MALONEY. I have not attempted to go beyond the purposes and the language of the bill of the committee after January 1, 1941.

Mr. AUSTIN. Very well. Let us assume that under the original bill many volunteers, many more than are necessary, come forward; in other words, assume that the conduct of young men in the United States would cause them to take the same action under one law as under the other, and an ample number, more than necessary, volunteer, it is my understanding that the original bill then puts into effect the selective plan and those who are entitled to deferment

for one cause or another, those who are not qualified because of physical defects are searched out and a selection is made from which induction follows. What I am trying to find out is, Does the Senator understand that his amendment would do the same thing in the same way?

Mr. MALONEY. The Senator is quite necessarily making his question somewhat long, but I think I follow him. I understand that it is physically possible to do about the same thing, but I find, if I may use the word, it is hardly conceivable.

Mr. AUSTIN. I notice on page 3 of the amendment the following language, beginning in line 9:

The President is authorized to induct into such forces—

That is, the land and naval forces of the United States—

for such training and service so many of the men who volunteer pursuant to any such proclamation as are not in excess of the number called for by such proclamation. If the President finds that upon January 1, 1941, the number of qualified men who have volunteered pursuant to such proclamations is less than the number of men called for in such proclamations, he is authorized to induct into the land and naval forces for training and service under this act such number of men—

Note this language—

selected in accordance with section 4 (a).

And so forth. I will not read the entire section.

It seems to me that language contains a provision for exactly the same type of selective method that is contained in the original bill, even when the law is operated on the volunteer basis, under either the original bill or the amendment. I should like to have the Senator's opinion on that point.

Mr. MALONEY. I should wish to review the language again carefully, in view of the opinion of the distinguished Senator and very able lawyer from Vermont. I endeavored to point out a moment ago as best I could, in the statement which I made, that I was vitally concerned, for reasons which I gave, with the period between now and January 1, and perhaps I have not carefully scrutinized and examined the other possible conflict or agreement between the original and my substitute.

Mr. AUSTIN. I do not regard it as a conflict, and I am not pointing it out with that in mind. I am trying to bring out whether it is true that, so far as the voluntary element contained in the amendment goes, it is in effect, and in its application it would be, similar to what is provided in the original bill.

Mr. MALONEY. I think that is true.

Mr. AUSTIN. My theory is that under the original bill, assuming the premise that is assumed for the amendment, we would arrive at exactly the same result; that is, assume that the patriotic fervor of the 12,000,000 young men who would be registered under both measures would bring to the colors enough volunteers then the quota features of both the original and the amendment proposed by the Senator from Connecticut would result in this, that no one would be taken and no one could be taken except a volunteer. Does the Senator understand that?

Mr. MALONEY. It is physically possible; we might get 500,000 volunteers tomorrow, and the Senator is entirely correct, if his statement is taken literally; but I myself seriously doubt, although I say it regretfully, that such would be the case.

Mr. AUSTIN. Will the Senator yield for one other question?

Mr. MALONEY. Certainly.

Mr. AUSTIN. I observe in the Senator's proposal something which is entirely absent from the original bill. It is on page 10, and it is section 6, which grants the President power to organize and maintain training units in any college or university for the purpose of providing military training, and so forth. Briefly, I ask the Senator, does he not recognize that the principle of compulsory military training is at least 75 years old in the United States?

Mr. MALONEY. Except as to isolated wartime instances, the Senator in my judgment is in error.

Mr. AUSTIN. That is not what I referred to.

Mr. MALONEY. Does the Senator refer to land-grant colleges?

Mr. AUSTIN. Yes; I refer to the Morrill Land Grant College Act and the statute creating the Reserve Officers' Training Corps, both of which are upon conditions that the States which receive the benefits of military officers, equipment, and grants of various kinds receive them upon conditions that military training shall be afforded; and when we speak of the Land Grant College Act we know it includes at least one university or college in a State.

Mr. MALONEY. If I might interrupt the Senator at that point, I should like to say that it seems to me that is a very frail degree of compulsory training.

Mr. AUSTIN. It has been so strong that only a few States of the Union have been able to break it down. In addition to the land-grant colleges, of which there are 51, there are high schools or secondary colleges which also have compulsory military training.

The idea is this: I assume that in putting that element into his amendment the Senator recognized an historical fact, that compulsory military training is democratic, has been in actual practice in the United States for a long time, and has been voluntarily sought by the several States of the Union.

Mr. MALONEY. I should like to say to the Senator at that point, if I may, that he is only partially correct, and he does not go very far. It is not literally compulsory military training. In the first place, a boy is not compelled to go to a land-grant colleges or to a high school which may make available military training. So that they have a complete choice. I quite understand the law, but I think it does not go so far as some of the listeners or some of those who hear the Senator might assume from his statement.

Mr. AUSTIN. Very well.

Mr. NYE. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. NYE. I should like to suggest that in at least three States it has been demonstrated that the compulsory military training, so called, provided for under the act to which the Senator from Vermont has referred, does not involve any degree of compulsion whatsoever. In those three States training is not compulsory, and the aid from the Federal Government is continuing to the institutions concerned.

Mr. MALONEY. I think one of them is the Senator's own State, is it not?

Mr. NYE. That applies to North Dakota, Minnesota, and Wisconsin, I believe.

Mr. AUSTIN. Mr. President, I want the Senator to understand that I am not trying to emphasize the legal effect of the Land Grant College Act or the R. O. T. C. Act, which depend entirely upon compulsory training. I am asking the question whether the Senator first introduced that spirit, that thought, into his own amendment, by section 6 of it. That is what my question amounts to.

Mr. MALONEY. No. I will have to say "no," and then give an explanation. The only excuse I would care to make at the moment for the inclusion of section 6 would be the deferred status my amendment would give to certain undergraduates under another part of the measure.

Mr. AUSTIN. That is, the Senator in another part of the amendment gives the right to a boy who is in college, taking, we will say, his sophomore year, to be deferred?

Mr. MALONEY. That is correct.

Mr. AUSTIN. Which the original does not do.

Mr. MALONEY. Until the time of his graduation, or until he is 24 years of age. In order that such a boy will not be denied the opportunity for training, this section was included; and it had no other purpose.

Mr. AUSTIN. That is exactly what I suspected. So, really the patriotic purpose, and I think the wise and constructive purpose, of the Senator from Connecticut in this matter, is to educate our citizens. The purpose is not to create a big standing army, but to have our citizens so educated in military training that they will be competent to perform whatever duty they may be called upon to perform.

Mr. MALONEY. I do not mind saying to the Senator that sometimes, in the excitement of conditions around us in the world, I have thought it might be wise as well as necessary to have universal military training—and applicable only while this great emergency lasts—for boys of a certain age, probably 18 or 19, for 1 year, and under such a condition I think probably I would have a reasonably large, but not too large, highly-skilled, well-paid standing army, to train those boys in the event such an emergency became acute.

Mr. AUSTIN. Mr. President, I thank the Senator for having answered the questions I had to propound.

Mr. MALONEY. I thank the Senator from Vermont.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Massachusetts?

Mr. MALONEY. I yield.

Mr. WALSH. Mr. President, I will take the floor in my own right, if the Senator does not object. I intend at a later date to give my views on this important question, but first of all I wish to compliment the Senator from Connecticut for the intelligent and able manner in which he has presented his views. I am sure we are all indebted to him for the evidence he has displayed of much study, careful analysis, and sincere disposition on this important subject.

Mr. President, as I view the two measures we are now considering—and I am withholding final judgment—there is very little difference between the committee bill and the substitute proposed, the main difference being as to the date when conscription would take effect. One bill provides that upon its enactment conscription will be immediately applicable under the terms defined in the measure. The bill presented by the distinguished Senator from Connecticut in the nature of a substitute makes conscription applicable approximately January 1, in case the voluntary-enlistment provisions are not met.

I intend to present a bill, and to have a test vote in the Senate, which will do everything both the measures before us provide for, registration, set up all the possible necessary machinery for conscription but postpone its operation to the day, if that day ever comes, when the Congress declares the existence of a state of war.

Thus we will have three alternatives—at least three different points of view—to decide between and to act upon.

I shall not discuss this matter at length, but I want to say at this time that my conception of requirements for our national defense is, first, as I have said repeatedly upon this floor, that we should have a powerful, strong, invincible navy. Every lesson I have been taught by naval officers and experts on the subject of the national defense of this country up to this day has impressed upon me two things. First, the importance and the necessity of a strong navy, because any attack upon us must come across one ocean or another. We are vulnerable only from the water. The same experts have minimized to me, until recent events have happened in Europe, up to within 2 or 3 months, the necessity of a large standing army in this country. I wish to be fair in that statement. I think they have perhaps modified or changed their viewpoint by reason of what has happened in Europe in recent weeks.

The next step in our national defense, in my judgment, is the acquisition of a multiplicity of airplanes and particularly bombers, which will supplement our Navy and provide for our defense against air attacks.

I have not seen such a program on an extensive scale yet proposed by those who now urge conscription of the youth of the country. I challenge anyone to say that there is in existence or even on order the combat aircraft which, as a result of the lessons of the European war, we have learned must be provided.

Thirdly, I believe that the land ought to be dotted from one end to the other with antiaircraft guns, and with men to man them. Where are they? Are they even in the blueprint stage? And yet before taking those steps it is proposed to conscript the young manhood of the country. Before a pro-

fessional army has been built up—and that is what we must have today, and not a conscript army—we must have an army of mechanics, men who can get upon these death-dealing machines and man them and control them—men trained for months and years in handling the new powerful weapons of attack and defense. Where are they? Where are the plans for such Army equipment? If we have a strong navy and these secondary defenses, no enemy can invade the land, no enemy soldier can attack us here, because if they get by the Navy they will be stopped by the secondary defenses.

Of course, the next step is the building up of an army, and I have referred to that as a truly professional army, comparatively small in numbers but of the highest proficiency, an army composed of men who have the long and exacting training that is required of pilots or those who operate and man mechanized ground weapons. Where are the pilots to man the vast number of airships needed? Why not draft men now for training as pilots? We do not need to, because if we provide the airplanes for which we have made appropriations, and provide the compensation for pilots as provided by law, we will have the enlistment officers crowded with men eager and anxious to defend and serve our country in the air.

If one lesson has come out of the present world war, so far as I read it, it is this, that not large numbers of soldiers are so necessary as a limited number of highly skilled and highly trained and highly developed men who are making a profession of war, of the defenses in war, of the means and methods of waging war as against the old form and the old system.

With respect to the question of whether or not we are able to get the necessary numbers of enlistments, I have only this to say. I know the Navy has no such complaint. The Navy is obtaining today all the enlisted men it needs on a voluntary basis. I have some figures in respect to that which I shall present later. It has all the men that it has ships in which to place them. It has a waiting list of thousands of accepted recruits. But here is the difference between the Army and the Navy—*esprit de corps*. I do not say that offensively. There is a relationship in this country between the naval officer and the enlisted man which does not exist in the Army. There is a mutual understanding of the relation of one to the other, a fraternal spirit, a cooperative spirit, not the spirit of an officer and a rookie, but the spirit of enlisted men and officers respecting each other in their spheres and occupations, and jointly fighting and training for the best interests of their country.

I shall say nothing in criticism of the Army, but in my opinion that condition does not exist in the Army to the degree and to the extent that it does in the Navy. The situation that exists may be because of the necessities of the two services.

The other day, while at my home in Massachusetts, I picked up a newspaper clipping. It reads as follows:

During the month of July 70 men applied at one marine enlistment station in Boston, and 9 were accepted.

Nine were accepted! Think about that! If that is a fair representation of the young manhood of this country and if present requirements are not relaxed it will take a conscription, a draft of 10,000,000 men, in order to get a million who are admitted to training. In my opinion the requirements are extreme.

Why should not the Army and Navy apply the physical conditions that they will make applicable to those conscripted at once to those voluntarily enlisting? It is conceivable it would settle the whole question.

Furthermore I think—and I have seen it in the Marine Corps—that there is not opportunity for advancement and opportunity for promotion in both the Army and the Marine Corps, has a very deterring effect upon enlistments and reenlistments. When I was visiting a naval vessel within a week, one of the enlisted men approached Secretary Knox and myself, who were together at the time. The enlisted man said, "I am from your home town." I asked, "How long

have you been in the Navy?" The enlisted man said, "Seven years." "What is your pay?" The enlisted man said, "\$96 per month."

That man enlisted as a goby. He showed industry. He showed capacity. He applied himself, and he has advanced in 7 years to \$96 a month besides his rations, of course.

I have met other men in the Navy who received \$125 and up to \$150 a month. Where is there similar opportunity in the Army? But the opportunity is here now, because the same kind of skill and training and mechanical knowledge will be just as necessary under modern warfare in the Army as is necessary in the Navy.

I would revise the qualifications, the terms of service, and increase the scale of compensation before applying conscription. Someone called my attention to the fact that Assistant Secretary of War Patterson announced within a day or two that there were 1,000 young men in this country applying for enlistments in the Army every day. In 300 days that would mean 300,000 men enlisted. Of course, a good many of those who apply are unfit and unsuited for service, but there ought to be a revision, in the light of the fact that we are proposing to depart from a great American policy and principle which we have retained during all these years, before we resort to the draft.

Mr. President, I am ready to conscript if we really need to do so, but I want proof first that there is an actual need for it, and I want removed from my mind and the minds of the American youth that enlistment in the Army today may mean participating in a foreign war rather than in the defense of America.

I have confidence in the youth of America. They are patriotic. The very fact that they are presenting themselves for enlistment in such large numbers, despite the strict and poorly paid Army requirements, satisfies me that America never needs to go beyond showing its actual military needs and asking the youth of the country to respond to the defense of America.

Mr. President, in my judgment it is unfair to require of any man a public service in the armed forces at trifling compensation while his fellowmen, whether of his own age, younger or older, each are paid much more in private employment and at the same time enjoy the blessings of home life and the contentment, happiness, and opportunities of position and advancement that provides him and his family with at least the meager comforts of life.

Until voluntary enlistments on a fair basis have been tried and there is evidence of a real need, I am not disposed to embrace, in peacetime, the power of the Government to conscript. The power to conscript, levy, and maintain armies are the prerogatives of a dictator. We may have to come to that in this country, but I am not convinced that the time has arrived to do so until the voluntary plan has had a fair trial.

We have 1,000,000 civilian employees on the pay roll of the Federal Government, and the pay of each is commensurate with pay in private employment; yet we deny the same measure of compensation to our well-trained and patriotic enlisted men in the Army, Navy, and air force. Let us make their pay commensurate before we conscript those who have no particular desire to enter the military service, to whom the life may not be attractive, and which may exact sacrifices that are not defensible in peacetime.

Furthermore, it is incumbent on the proponents of this measure to prove that it is necessary and to prove that the equipment and facilities essential to the Army are provided and manned before conscription is resorted to.

When I rose, Mr. President, I intended only to ask several questions of the distinguished Senator from Connecticut [Mr. MALONEY], but I was prompted to present these views, and to call attention to the fact that before this debate is over I hope to have an opportunity to present a bill which will do everything these bills do, but prevent fixing a day or a time or an hour when the iron hand of the law takes away from homes the young men of this country in the very best years of their lives.

The PRESIDING OFFICER. The question is on the modified amendment of the Senator from Pennsylvania [Mr. GUFFEY] to the amendment reported by the committee.

Mr. BARKLEY. Mr. President, I rise simply to ask if we should not have a vote on the pending amendment. We have been here nearly 5 hours today and no one has mentioned the question which is now pending. All the time has been taken on an amendment which has not been offered. It seems to me that we might vote on the pending amendment, to which everyone is in practical agreement, and we can then proceed with further discussion.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. So far as I am concerned I have no objection to that. I simply wanted recognition for about a minute to give notice of what I had in mind.

Mr. BARKLEY. I have no objection to that. But several Senators have been waiting to vote on the pending amendment.

Mr. CONNALLY. Mr. President, I wish to compliment and congratulate the eminent Senator from Connecticut [Mr. MALONEY] for his very able and illuminating address in support of his amendment to the bill. I also enjoyed very much the remarks of the able Senator from Massachusetts [Mr. WALSH] in which he approved some aspects of the Maloney amendment.

However, I wish to say that I disagree so strongly with some of the features of the amendment that tomorrow, as soon as I can get recognition, if at all, I hope to address the Senate in opposition to the main Maloney amendment.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Pennsylvania [Mr. GUFFEY] to the amendment reported by the committee.

Mr. BONE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BONE. What is the amendment of the Senator from Pennsylvania?

Mr. BARKLEY. Mr. President, the pending amendment is the amendment which exempts ministers of the gospel and students for the ministry.

Mr. BONE. There have been so many such amendments offered that I had forgotten which it was.

Mr. CONNALLY. Mr. President, the bill exempts ministers so long as they are working at their calling, but the amendment exempts everybody who hopes to be a minister, no matter when; and I understand that it permits young men to become ministerial students even after the law has been enacted.

Mr. GUFFEY. Mr. President, I can read the amendment if the Senator from Texas so desires.

Mr. CONNALLY. I know what is in it.

Mr. BANKHEAD. Mr. President, I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. In the committee amendment, page 20, between lines 2 and 3, it is proposed to insert the following:

(c) Regular or duly ordained ministers of religion and students, who are preparing for the ministry in theological or divinity schools recognized as such for more than 1 year prior to the date of enactment of this act, shall be exempt from training and service (but not from registration) under this act.

On page 20, line 3, it is proposed to strike out "(c)" and insert in lieu thereof "(d)."

On page 20, line 9, beginning with the word "interest", it is proposed to strike out all down to and including "duties" in line 13, and insert in lieu thereof "interests."

On page 20, lines 15 and 16, it is proposed to strike out "except in the case of regular or duly ordained ministers."

And on page 21, line 3, it is proposed to strike out "(d)" and insert in lieu thereof "(e)."

Mr. LA FOLLETTE. Mr. President, I wish briefly to register my support of the pending amendment. I should like to

point out that even during the World War a similar exemption was provided. It seems to me absolutely indefensible to deny such an exemption or deferment at a time when the country is at peace.

In this connection, and as a part of my remarks, I ask that there be inserted in the RECORD at this point an editorial from the Catholic Herald-Citizen, published at Milwaukee, Wis.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Catholic Herald-Citizen of August 10, 1940]

THE FIRST ATTACK ON RELIGION

No American citizen should fail properly to evaluate some of the proposals for national defense that certain well-meaning individuals are sponsoring. Such, for instance, is the Burke-Wadsworth conscription bill as now drawn, which, to a certain degree, undermines one of the pillars of our democratic form of government—freedom of religion.

The enactment of such a law would deprive citizens of the United States of a right guaranteed them by the Constitution. The Constitution in guaranteeing this right, likewise necessarily guaranteed the means necessary effectively to exercise this right, namely, that there be available at all times ministers of religion to care for their spiritual needs. Depriving persons of the means necessary to exercise a right that is theirs is equivalent to depriving them of that right, since a right without the means to exercise it is valueless.

In 1917 the Congress of the United States recognized this right and exempted all ministers of religion and divinity students from military service. The present proposed law is a leaf out of the book of the dictators and is alien to the spirit of a democratic nation. No one denies the necessity of training men for the defense of the nation, but it is likewise necessary to train students for the ministry and the priesthood in order that the citizens of the nations may have ministers of religion available to care for their spiritual needs, which right the Constitution guarantees them. The citizens in the land and naval forces of the United States like all others need the spiritual care that ministers of religion alone can give them. At no time in the history of the Nation have the various religious denominations failed to provide chaplains for the men in the service of the Nation. Seeing that the Constitution of the United States is nowise changed in this respect, the right that was recognized in 1917 should be recognized in 1940.

The Selective Draft Act of 1917 also exempted all Brothers who had taken solemn vows to dedicate their lives to the service of God. This too was in perfect accord with the spirit and intention of the founders of the Nation, as manifested in the Declaration of Independence. These brave, noble men, whose thoughts scanned the whole fabric of God's creation in the world in which we dwell, studied the laws of Nature, and of Nature's God; appealed to the Supreme Judge of the world to bear witness to the rectitude of their intentions; and proclaimed their firm reliance on the protection of Divine Providence.

To enact now a law contrary to the principles enunciated in the Declaration of Independence and the Constitution would be to go backward; would be a return to the tyranny of a government that refused to recognize that "all men are endowed by their Creator with certain inalienable rights," which the founders of the Nation declared "to be self-evident;" would be to jettison all for which these patriots lived, labored, and sacrificed.

In order to preserve for himself and posterity the free exercise of the inalienable rights the patriots who established the Nation secured for him, every religious American should request his Senators and his Congressmen jealously to safeguard the rights of his constituents, by seeing that exemption is granted to all ministers of religion, to all students for the ministry and the priesthood, and likewise to those others, who by solemn vows have dedicated their lives to the service of that God, to whom, as the Supreme Judge of the world, the illustrious Father of the Nation appealed to bear witness to the rectitude of their intention, and on the protection of whose providence they proclaimed their reliance. That posterity might never forget all this they caused to be impressed on the currency of the land, "In God we trust."

By doing this you will stop this first subtle attack on religious freedom, the cornerstone of democracy, and without which no democratic nation can endure. Let your Representatives know that on this point you stand with Washington and the other patriots of '76, and not with some of the modern sages, who seem to think that the Nation no longer has any need of "the protection of Divine Providence," on which the founders of the Nation relied.

Mr. BONE obtained the floor.

Mr. NEELY. Mr. President, will the Senator yield to me for the purpose of propounding an inquiry to the distinguished statesman from Pennsylvania [Mr. GUFFEY]?

Mr. BONE. I yield for that purpose.

Mr. NEELY. As I understand, we are about to vote on the so-called Guffey amendment. Is that correct?

The PRESIDING OFFICER. The Guffey amendment as modified.

Mr. NEELY. I ask the Senator from Pennsylvania whether or not his amendment is sufficiently broad to include the substance of an amendment which I offered on the 14th of August in the following words:

On page 20, line 13, after the word "duties", insert a comma and the following: "and students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools."

Mr. GUFFEY. It is broad enough to cover that language.

Mr. NEELY. Mr. President, in the circumstances, instead of insisting on my own amendment, I shall support the amendment proposed by the Senator from Pennsylvania [Mr. GUFFEY.]

Mr. LEE. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. LEE. I wish to ask the sponsor of the amendment, the Senator from Pennsylvania, if, in his opinion, the amendment would defer the training of ministerial students attending State universities, private schools, teachers' colleges, and other such institutions not embraced in the language "theological or divinity schools"?

Mr. GUFFEY. I do not think it would.

Mr. LEE. Let me ask the Senator why he wants to exempt only ministerial students attending theological or divinity schools, and not those attending other institutions?

Mr. GUFFEY. I think such a provision would be too broad and make the exemption too wide.

Mr. LODGE. Mr. President, will the Senator yield so that I may ask the Senator from Pennsylvania a question?

Mr. BONE. I yield.

Mr. LODGE. Does the amendment of the Senator from Pennsylvania cover religious brothers?

Mr. GUFFEY. Yes.

Mr. BONE. Mr. President, in order to expedite the business at hand, I defer my remarks until the pending amendment shall have been disposed of.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Pennsylvania [Mr. GUFFEY] to the amendment reported by the committee.

Mr. HOLT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CONNALLY. Mr. President, I dislike again to address the Senate with additional remarks on this amendment. I wish to remind the Senators who are urging the amendment that they are making a great mistake. I do not believe that young men who are intending to give their lives to the service of God and country want to be put in a preferred class. They have not been consulted. What Senator has the right to speak for the hundreds of young men who expect to embrace the ministry and devote their lives to it? I challenge the spokesmen. Who has the right to speak for those young men? I should rather believe that they would scorn to ask the advantage of an exemption when they have not yet entered into the ministry. The bill exempts all those who are actively engaged in the ministry. I do not believe that ministerial students want to be exempted.

Mr. President, we are in danger. Our security is threatened by political philosophies and concepts of totalitarian government which are wholly at variance with the constitutional concepts of America.

Mr. GUFFEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. GUFFEY. There is nothing in the bill which would prevent divinity students from volunteering if they so desire.

Mr. CONNALLY. Yes; that is true. However, I am not in favor of saying to the brave, courageous, and heroic, "Go ahead and volunteer. You do the fighting, and let the other man, situated as you may be situated, stay at home and enjoy the rewards of peace." To use the language of the street, I am not in favor of putting such a man "on the spot" by the volunteer system. I have some letters which I intend to read tomorrow. One is from a heroic young college boy who wants to go and is ready to go. Another is from another college boy, claiming the right to stay at home, finish his education,

and get a job. The volunteer system would send the bold one and let him fight for both of them.

Mr. President, I was diverted. We are assailed by totalitarian concepts. What do the totalitarian powers care about religion? What do they care about divinity students? What does Russia care about religion? Religion as we know it has been banished from the boundaries of all the Russias and all the territories which have been absorbed and gathered under the sovereignty of Russia. What does Hitler care for certain types of religion? He has lashed and whipped those who devote themselves to religion. We are fighting against that very thing. Are the holy men of America, who claim the right of freedom of religion, and who want to live under a government which protects religion, alone of all our citizens not to be entitled to stand upon the same plane of equality as the humble worshiper in the pew? In this time of national emergency and need the miter ought to be laid down by the side of the implement of toil, and the holy vestments placed alongside the vestments of the laborer who takes off his work shirt to put on the uniform of his country. I do not believe we ought to set up gradations of privilege and preference.

Let me read some of the privileges which our citizens claim. The first amendment to the Constitution says that:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

I stand for that. Our forefathers stood for it. It is in the Constitution because our forefathers poured out their blood upon the battlefield. We are fighting against powers which would abolish freedom of worship; and yet Senators want to exempt from fighting for the most priceless privilege a human being can claim those who intend to follow a lifetime service to religion, whether they worship in a humble tenement amidst the trees which nature has built or under the vaulted dome of some vast cathedral. Such men ought to be willing, with other citizens of the Republic, to fight for such a privilege. Yet we want to exempt not only the active ministers but those who are going to be ministers some day from possibly fighting nations which challenge all that freedom of religion means. They are to be the only ones to say to their country: "No; you must give us a preferred status. We are not going to serve. We do not want to serve. We have friends in the Senate who are going to see that we do not serve."

Another priceless privilege guaranteed by the Constitution is freedom of speech. Congress may not abridge freedom of speech. I am for it. The Nation is for it. Nations which threaten our sovereignty and our strength are against it. We want to maintain freedom of speech; and yet we propose to say to those who claim the right to speak their mind about the form of their faith, their creed, and their belief in religion, whatever it may be, "You do not have to fight for it. We will go out and fight and die. We will send other boys out to do your fighting and your service, to protect you is the most priceless privilege a human being can claim."

Ah! Mr. President, the right of freedom of worship applies to every citizen in the Republic. Those who claim it ought to be willing to observe universality of service and to serve their country when they claim the same privilege which is granted to every citizen. The right of free speech is granted to every citizen, whether he be a minister or whether he be an agnostic; whether he be a rich man or a poor man; whether he be a black man or a white man; whether he be an humble man or a mighty man. Every American has the right to claim freedom of speech. If he does, he ought also to have the duty, like every other citizen, to serve his country when he is needed.

Mr. President, I might go down the list of this brilliant catalog of rights guaranteed to our citizenship, and point out that everyone is a preference, everyone is a privilege, everyone is a guaranty, not to some of our citizens but to all our citizens—to the page yonder, who walks around and carries our messages, to the presiding officer yonder, to all the Senators who sit about us, and to every man and woman and child under the American flag. When we destroy that conception of equality of service and equality of privilege, we are

doing as much harm to American institutions, so far as such action goes, as those who may assail the American concept in its basic and fundamental principles.

Mr. President, I remember when I was a schoolboy having read of an incident that occurred in the Shenandoah Valley during the War of the American Revolution at a little village—I forget its name—between Winchester and New Market—Woodstock, Va., I remember the poem about the minister who stood in the pulpit, Muhlenberg, of Pennsylvania, a Dutch minister in the Valley of Virginia, when the old Liberty Bell rang out. I do not remember the details; the years have clouded my memory, for so many more things have happened all about me it is not as clear as it was when I read that story, but the essentials of it remain. On a Sabbath day Muhlenberg was in his pulpit preaching to his flock, leading them along the ways of rectitude and righteousness and inspiring and instilling into them the spirit of Christianity. Finally, at a dramatic moment, the old Liberty Bell rang out, when he tore off the vestments of the priesthood and revealed himself in the uniform of a continental colonel. Muhlenberg revealed himself in the uniform of a colonel of the Continental Army.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. CLARK of Missouri. I call the Senator's attention to the fact when the State of Pennsylvania put Muhlenberg's statue in Statuary Hall they depicted him in his uniform and not in his vestments.

Mr. CONNALLY. Well, he was serving his country in the Army, and, of course, that is where he gained his eminence, more so, probably, than he did in the pulpit.

Mr. ASHURST and Mr. McKELLAR addressed the Chair.

Mr. CONNALLY. I yield to the eminent Senator from Arizona; then I will yield to the distinguished Senator from Tennessee; and then to any other distinguished Senators who desire me to yield. [Laughter in the galleries.]

Mr. ASHURST. I wish to observe that the Senator, in his modesty, seems to take a little bit to heart a slip of the tongue he made. I am able to vouch for the fact that the Senator from Texas is one of the most nearly authentic historians of the Senate. On many occasions I have listened with pleasure and delight and instruction to what he had to say on historical episodes not only of our own country but of other countries. The Senator may well say, as we all may say, not one of us ever knows it all.

Mr. McKELLAR. Mr. President—

Mr. CONNALLY. Let me reply to the Senator from Arizona. I thank the eminent Senator from Arizona for his very extravagant and fulsome tribute, but the reason the Senator from Texas is accurate about any historical matter—if he is accurate—is that the Senator from Texas is familiar with so few of them that he knows them well. [Laughter.] I now yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, speaking of historical allusions, I wish to call the Senate's attention to another one.

Mr. CONNALLY. Does the Senator refer to Bishop Polk, of the Confederate Army?

Mr. McKELLAR. No; I am not referring to him now.

Mr. CONNALLY. The Senator might well do so.

Mr. McKELLAR. Yes, indeed; I might well do so. He was a very great bishop of his church, and became one of the greatest soldiers in the Confederate Army, but I had in mind particularly another man of probably just as great fame as was Bishop Leonidas Polk. I refer to the strange case of perhaps the greatest and most outstanding soldier in the World War of 1917 and 1918.

I think it will be conceded by all that the record of Sgt. Alvin York overtopped and overreached the record of any other plain soldier who went into the American Army. Sergeant York was a lay minister. At the time the draft was put into operation he was urged by his friends, he was urged by his own conscience, by his own belief in peace, and by his own horror of war to ask for an exemption from the Army because he was a minister in a church. After careful consideration,

he concluded not to ask for exemption, but to follow the flag of his country and to go into the Army when he was drafted. So he went, and no man in the Army ever made a greater reputation than did Sergeant York, who was an humble minister in one of the denominations of my State of Tennessee. No man in the Senate or elsewhere is prouder of the record of a fellow countryman than I am of the record of this man, who was a minister in his church and who went forth and defended his country as perhaps no other soldier ever did in the history of time. I wanted to call the Senator's attention to the case of Sgt. Alvin York.

Mr. CONNALLY. I thank the Senator very much, indeed. I had, of course, been aware of the outstanding exploits of Sergeant York, but I was not so familiar with his ministerial inclinations and practices as no doubt is the Senator from Tennessee, as Sergeant York is one of the Senator's constituents.

Mr. President, I was referring to Muhlenberg in the Valley of Virginia. Muhlenberg did not ask to be put in a special class. He rather put himself in a special class when he stepped down out of the pulpit and took up the sword of his country.

I recall that during the War between the States, Leonidas Polk—and he probably was merely a symbol of many others—Leonidas Polk was a bishop in the Episcopal Church. He laid aside the robes of his high sacerdotal office, stepped out, and became a general in the Confederate service. I doubt not that throughout both the North and the South there were many young men who were in the preparatory stages of the ministry who volunteered and served in one or the other or both of the armies.

This amendment is so drawn, according to the Senator from Oklahoma [Mr. LEE], that it only applies to those students who are in divinity schools; it does not apply to a man who may be in a university and may have the intention later of becoming a minister. It does not exempt a man in any other school who may be studying to become a minister in later years.

Mr. LEE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Oklahoma?

Mr. CONNALLY. I yield.

Mr. LEE. It does not apply to ministerial students who are attending any other schools except theological or divinity schools. It does not apply to teachers' colleges.

Mr. CONNALLY. The exemption only applies to those who are attending divinity schools. That is what I am talking about.

Mr. LEE. That is correct. All the other ministerial students who are attending teachers' colleges throughout the land and State universities and other schools are not covered by the language "theological or divinity schools." Although they are ministerial students, although they may be likened to preachers, they are not deferred unless they are in divinity or theological schools. That seems to me to be unfair and unconstitutional, in that it does not take in all those of the class designated as ministerial students.

Mr. CONNALLY. I thank the Senator from Oklahoma.

Mr. President, when I was a boy none of the preachers whom I ever heard preach could have taken the benefit of that exemption. Many good old cornfield preachers who gathered their flocks around an open Bible on Sunday morning or gathered their flocks in camp meeting in the summertime, and got more converts during those 2 weeks than they got all the year, because next year they would get all those converts over again and then some new ones, never saw a divinity school. They never were in a seminary; but they walked with their God out yonder amidst the forests and plains; they read His book at night by kerosene lamp or tallow candle. Under the amendment that type of preacher would not be exempt; he would have to train, he would have to fight, he would have to sacrifice, he would have to suffer. However, if he were able to go to some divinity school, and be a student in such a school, he would be exempt and would not have to serve.

Mr. President, I did not finish cataloging some of the privileges about which we are always shouting when Fourth of July comes around and forgetting when it costs us some trouble and some sweat and maybe some blood to observe them.

Mr. NEELY. And some votes.

Mr. CONNALLY. The Senator from West Virginia suggests "votes", and I thank the Senator. A man who can get elected Senator or Governor or notary public or to any other office whenever he gets ready, I believe knows much about elections and about votes, and I thank him.

Mr. NEELY. I hope the Senator will let me assure him that I have never run for notary public. [Laughter.]

Mr. CONNALLY. Notary public is not an elective office.

Mr. NEELY. That is quite true, and I could not fully enjoy an office that did not require running against opposition in order to obtain it. [Laughter.]

Mr. CONNALLY. I thank the Senator, but my statement was made only in the spirit of contrast. What I meant was that if he wanted to be United States Senator he could have the office; if he wanted to be notary public he could have that office; if he wants to be Governor he can have it, or if he wants to hold both of them at the same time he can have them; and that is what he is doing now, and I am for him. I do not know anybody I hate to see leave the Senate more than I do the Senator from West Virginia. [Laughter.]

I have a private list of those I would not mind seeing go. [Laughter.] But I am not giving it out.

Mr. NEELY. Mr. President, will the Senator permit me to thank him sincerely for not having put my name on his private list of undesirables? As the words in my own vocabulary are not sufficiently vigorous to express my gratitude to the eminent Senator from Texas for what he has so graciously said about me, I appeal to the celestial muse of the great Italian poet, Virgil, to supply my deficiency of language and enable me to tell the beloved Texas statesman what I think of him.

Mr. CONNALLY. If it is parliamentary.

Mr. NEELY. It is, indeed, parliamentary, pertinent, and proper.

Mr. CONNALLY. I would not want the Senator to violate the rules.

Mr. NEELY. Mr. President, now let me address myself directly to my distinguished and eloquent friend from Texas:

In you this age is happy, and this earth
And parents more than mortal gave you birth;
While rolling rivers into seas shall run
And round the space of heaven the glorious sun,
While trees the mountain tops with shade supply,
Your honor, name, and praise shall never die.

[Laughter.]

Mr. CONNALLY. I thank the Senator very much.

I had left off where the Constitution mentions the freedom of the press. There sit the members of the press in the gallery.

Congress shall make no law * * * abridging the freedom of speech.

Congress cannot interfere with it. Congress cannot stay the hand of any reporter who wants to write an article. Congress cannot stop the printing presses downtown from turning out the daily papers. Congress cannot interfere with the editor who sits in his sanctum and frequently writes wisely about something of which he knows nothing. [Laughter.] But that is freedom of the press. It applies to every reporter in the gallery. It applies to everyone connected with the press—all of them, not some of them. It applies to those who are the sons of rich men as well as to those who are sons of poor men. Freedom of the press does not obtain simply with those who belong to the social "400," and is denied to those who move in more humble circles. Freedom of the press belongs to every citizen in the Republic.

If that is true, and the citizens of this Republic claim that privilege, why does not every citizen of this Republic owe a duty to serve and, if necessary, to die to defend the Government which gives him that sort of protection? Yet we hear it said, "Oh, no; you must not touch this particular class,

We are going to anoint them; we are going to bless them; we are going to set them apart over here, the great class that is impeccable and untouchable."

I do not subscribe to that, whether a man belongs to the Christian Church, or the Baptist Church, or the Methodist Church, or the Jewish Church, or the Mormon Church, or the Catholic Church, or the Dutch Reformed Church, or the Presbyterian Church, or the Episcopal Church, or any other church. No matter what church a man belongs to or what his faith, I stand for his right to enjoy that faith.

One of the reasons why I am in the Senate is that many years ago, when a wild madness swept over this country, preaching prejudice against Jews and against colored people and against Catholics and against the foreign-born—all of my colleagues know what I am talking about—when that mania spread over the United States of America, in my State I dared to deny its philosophy, and the reason why I am in the Senate now is that I stood against that doctrine and for freedom of religion, a free press, free speech, and all the fundamental principles of America. I believe in them, and we should not now set up another official classification.

Let the local boards decide these questions. They will know more about it than we know. The men live in the little communities, where all the whispers will go around and will keep the board informed, and tell them "not to mention my name, but—." They will find out all about an applicant, and the local boards will be better equipped and prepared to pass upon the question as to whether men should serve in the training camps or whether they should serve somewhere else.

Mr. President, I have not stated all the privileges about which we beat our breasts on the Fourth of July. What else do we find? We claim the right peaceably to assemble. Every agitator in the United States, every flannel-mouthed Communist, comes up and says that he is strong for the right of petition and assembly; and he has the right and I do not want to take it away from him. But when it becomes necessary for men to serve or perhaps to fight to maintain the right and the privilege of peaceably assembling, I think some of these folks who are so strong for peaceable assembly should be willing to serve, and not ask for a separate classification.

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

That applies to everyone. Each citizen has a right to claim the advantages of that amendment, and if he has, he owes the same right to serve his government when that government needs his service to live, to survive, to be able to say that that amendment shall be enforced.

No soldier shall, in time of peace, be quartered in any house.

The Constitution makers put in the power to draft when they provided that the Congress shall have power "to raise and support armies." Did they say that Congress shall have the right to raise and support armies in time of war only? George Washington, who presided at the convention, did not say so. Mr. Madison, who sat there and wrote down the transactions from day to day, does not recall that anyone wanted to say that Congress could raise armies only in time of war. Congress shall have the power to raise and support armies at any time, in peacetime, for training purposes, for any purpose on earth, that the wisdom and the patriotism of the Congress of the United States shall sanction.

There are many other guaranties. We are strong for claiming these guaranties, but there is a suggestion of invidious classifications when it comes to defending the power and the right to make vital and vivid and life-giving these privileges which the Constitution guarantees:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

We have heard people all over this Republic prate about their rights under that clause. This right belongs to everyone. If it does, the obligation and the duty to maintain it and the obligation and duty to maintain and support the Government

which gives life to that Constitution rests upon every citizen who may claim its privileges.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or an indictment of a grand jury, except in cases arising in the land or naval forces.

Away off yonder in Russia, under their totalitarian concept, where is the poor citizen, where is the poor peasant who can go into a court and say, "I demand the right of a trial by jury," and get it? They do not have it. Where in Germany, under the regime of the blood purge, where they went out and shot down prominent citizens without any trial—where is there any constitutional guaranty of the right of trial by jury? Yet when this Republic is threatened and its security is shadowed by these totalitarian concepts which would destroy these constitutional provisions, where is the man who claims his right under this provision who is not also obligated to serve in order to make vital and life-giving that provision of the Constitution regarding jury trials?

Mr. President, we are forgetting the basic and the fundamental concepts of America when we set up any artificial distinction whatever in this legislation.

Nor shall any person be subject for the same offence to be twice put in jeopardy.

I might make the same observation about that.

Nor shall be compelled in any criminal case to be a witness against himself.

That is a great privilege, that is a priceless possession, which has come down to us under the Constitution of the United States from good old Anglo-Saxon days. Yet that Constitution under which we claim these privileges has to be maintained. If this Government shall fall, there will be no Constitution like this. There will be a Constitution written in blood, with the point of a sword, and enforced by the iron heel of a master, instead of the wisdom and the counsel of a constitutional convention.

If these things be true, Mr. President, why is not every citizen of this Republic bound under his duty to serve—and God forbid that he may have to do it—and if necessary to fight for the preservation of this Republic, and for the preservation of a Government able to enforce and able to defend and able to secure these priceless privileges which we claim as American citizens?

Mr. President, let us vote down this amendment, and say to all citizens of the United States, "We make no request of you that we do not make of every other citizen. We do not ask you to serve ahead of or behind your brother and your friend. We set up a standard of service. The Government will call you when your own neighbors, passing upon the facts of your case, fit you into your particular bracket under the standardization plan of this act. That is not unfair to anybody. You are not particularly favored. We are not going to set you aside and not call you into service."

Let me say one more word. I have heard many men on this floor urge that we resort only to the volunteer system. In this hour we owe a duty to this Republic, but we also owe a duty to every citizen of the Republic. One of our duties is to the individual who is willing to volunteer. Let us take the case of a young man who is willing to serve, willing to fight, and, if need be, willing to die. Do we not owe him an obligation? And is not a part of that obligation the compelling duty on our shoulders to see that he does not fight alone, but that other boys and other men similarly situated share his burden, share the sacrifice which his impulsive nature might cause him to embrace when he should perhaps not be swayed by such an impulse? We owe a duty to every citizen to see that he does not perform all the obligations and all the duties, that he does not contribute all the sacrifices. And going along with that is the duty to see that every other man situated like he is shall render the same kind of service to the Government which protects and shields him, wraps him all about with the priceless privileges that as Americans we claim.

The PRESIDING OFFICER. The question is on the modified amendment of the Senator from Pennsylvania [Mr.

GUFFEY] to the committee amendment. The yeas and nays have been ordered.

Mr. RUSSELL. Mr. President, I regret very much that the Senator from Pennsylvania [Mr. GUFFEY] has seen fit to abandon his original amendment. The original amendment allowed exemption to divinity students. The proposal with which we are now confronted exempts theological or divinity schools. I was perfectly willing to support the proposition which would have exempted those who are now students of divinity, but I am unwilling to vote for the pending proposal, which merely provides a place of refuge for those who hereafter may wish to enroll in specific schools that are purely divinity and theological institutions, and does not afford the same exemption to those who may be preparing themselves for the ministry in schools which have broader enrollment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRNES (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE]. I transfer that pair to the junior Senator from Virginia [Mr. BYRD] and will vote. I vote "yea."

Mr. MCKELLAR (when his name was called). I have a general pair with the Senator from Delaware [Mr. TOWNSEND]. Not knowing how he would vote if present, I withhold my vote.

Mr. McNARY (when his name was called). I transfer my general pair with the Senator from Mississippi [Mr. HARRISON], who is necessarily absent, to the Senator from Ohio [Mr. TAIT]. The Senator from Ohio, if present, would vote "yea." I vote "yea."

Mr. STEWART (when his name was called). On this vote I have a pair with the junior Senator from Oregon [Mr. HOLMAN]. I therefore withhold my vote.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS], whom I am informed would vote "nay" if present. If I were at liberty to vote I should vote "yea."

The roll call was concluded.

Mr. SCHWARTZ. I announce that my colleague [Mr. O'MAHONEY] is unavoidably detained from the Senate. If present he would vote "yea."

Mr. ELLENDER. I announce that my colleague [Mr. OVERTON] is detained because of illness.

Mr. MINTON. Mr. President, I announce that the Senator from Virginia [Mr. BYRD], the Senator from South Carolina [Mr. SMITH], and the Senator from Montana [Mr. MURRAY] are unavoidably detained. I am advised that if present and voting they would vote "yea."

The Senator from Illinois [Mr. LUCAS] is in camp with the Illinois National Guard. If present he would vote "yea."

The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Idaho [Mr. CLARK], the Senator from Virginia [Mr. GLASS], the Senator from New Mexico [Mr. HATCH], the Senator from Iowa [Mr. HERRING], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. PITTMAN], the Senator from Illinois [Mr. SLATTERY], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent.

The Senator from Kansas [Mr. REED] and the Senator from Delaware [Mr. HUGHES] have a general pair.

The result was announced—yeas 60, nays 10, as follows:

YEAS—60

Adams	Danaher	Johnson, Calif.	Radcliffe
Andrews	Davis	Johnson, Colo.	Reynolds
Ashurst	Donahay	King	Schwartz
Bankhead	Downey	La Follette	Schwellenbach
Barbour	Ellender	Lodge	Smathers
Barkley	Frazier	Lundeen	Thomas, Idaho
Bone	George	McCarran	Tobey
Bridges	Gerry	McNary	Tydings
Bulow	Gibson	Maloney	Vandenberg
Burke	Gillette	Mead	Van Nuys
Byrnes	Green	Miller	Wagner
Capper	Guffey	Minton	Walsh
Caraway	Hayden	Neely	Wheeler
Chandler	Hill	Nye	White
Chavez	Holt	Pepper	Wiley

NAYS—10			
Austin	Gurney	Russell	Thomas, Okla.
Clark, Mo.	Lee	Sheppard	Thomas, Utah
Connally	Norris		
NOT VOTING—26			
Bailey	Harrison	Murray	Smith
Bilbo	Hatch	O'Mahoney	Stewart
Brown	Herring	Overton	Taft
Byrd	Holman	Pittman	Townsend
Clark, Idaho	Hughes	Reed	Truman
Glass	Lucas	Shipstead	
Hale	McKellar	Slattery	

So Mr. GUFFEY's amendment, as modified, to the committee amendment, was agreed to.

Mr. DAVIS. Mr. President, I was called from the Chamber about a minute or two before the vote was called for.

Mr. LEE. Mr. President—

The PRESIDING OFFICER. The Chair has recognized the Senator from Pennsylvania for the purpose of making a motion. If the Senator from Oklahoma will wait a minute the Chair will recognize him.

Mr. LEE. A motion can take the whole afternoon.

The PRESIDING OFFICER. The Chair has recognized the Senator from Pennsylvania.

Mr. DAVIS. I was called from the Chamber a minute before the call for the vote. I thought it was a quorum call, and did not understand that the Senate had agreed to vote upon the pending amendment at that time. I desire to offer an amendment to the amendment which was just acted upon, because, as I understand, the amendment which my colleague accepted yesterday does not contain the language of my amendment. Therefore I ask unanimous consent—

Mr. LEE. Mr. President, will the Senator from Pennsylvania yield long enough for me to propound a parliamentary inquiry? Did I understand the Presiding Officer to say that he recognized the Senator from Pennsylvania for the purpose of making a motion to reconsider, or to offer an amendment to the amendment?

The PRESIDING OFFICER. If the Senator from Oklahoma will wait a minute the Chair will find out what motion the Senator from Pennsylvania proposes to make.

Mr. LEE. Was I not on the list to be recognized next?

The PRESIDING OFFICER. Yes; and the Chair is doing the best he can to help Senators and facilitate the argument and debate on the pending legislation, but oftentimes Senators intrude themselves upon the Chair and upon the time of other Senators, and the Senator from Oklahoma will have to be patient, and the Chair will be patient also.

The Chair has recognized the Senator from Pennsylvania.

Mr. LEE. I was on the list yesterday.

The PRESIDING OFFICER. That is true. The Senator from Pennsylvania is recognized.

Mr. DAVIS. As I was about to point out, the amendment offered by my colleague received hearty approval, and I desire at this time to ask unanimous consent, if I may obtain it, for reconsideration of the vote by which the amendment was adopted, in order that I may offer an amendment to the amendment, because I do not think I will have another opportunity to present my amendment during the present session of the Congress.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the vote by which the amendment of his colleague [Mr. GUFFEY] was agreed to be reconsidered. Is there objection?

Mr. BARKLEY. Reserving the right to object, what is the amendment that the Senator from Pennsylvania says he was deprived of the opportunity to offer, and which he claims was agreed to?

Mr. DAVIS. I wish to offer an amendment to the amendment of my colleague [Mr. GUFFEY], as modified, to the committee amendment, as follows:

After the words "date of enactment of this act" and before the comma, I propose to insert the words "and seminarians at such schools or at seminaries."

Mr. BARKLEY. My recollection is that the Senator—

Mr. DAVIS. Wait a minute, please. My colleague accepted that language.

Mr. BARKLEY. I do not so understand.

Mr. DAVIS. I do so understand, because he accepted it.

Mr. GUFFEY. No, Mr. President, I did not accept it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania [Mr. DAVIS]?

Mr. GUFFEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. DAVIS. I yield.

Mr. CLARK of Missouri. The Senator does not need unanimous consent. He can make a motion.

Mr. DAVIS. I move now that the Senate reconsider the vote by which the amendment of my colleague [Mr. GUFFEY], as modified, was agreed to.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania [Mr. DAVIS] to reconsider the vote just taken.

Mr. BARKLEY. I do not care to interfere with the Senator from Pennsylvania, but I distinctly recall that the junior Senator from Pennsylvania [Mr. GUFFEY] did not accept the amendment suggested by the senior Senator from Pennsylvania, and my recollection is that the matter was abandoned. Certainly the amendment in question has been under discussion ever since yesterday. It was discussed all day today, and almost all of yesterday afternoon.

The Senator could during that time have offered his amendment to the amendment. It seems to me a little unusual immediately after a vote to move to reconsider the vote by which the amendment was adopted overwhelmingly, in order to offer an amendment of the sort proposed, to the amendment which was adopted.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania [Mr. DAVIS].

Mr. WALSH. Mr. President, I will say to the Senator from Pennsylvania that, according to my information on the subject, in my opinion the objective he has in mind is fully taken care of, and has been acted upon favorably by the Senate. There is no need of his amendment, and I shall vote against reconsideration.

Mr. DAVIS. Mr. President, my colleague said he did not accept my modification of his amendment. I read from page 10501 of the CONGRESSIONAL RECORD. Using his own language, my colleague said:

I accept that modification.

Mr. BARKLEY. Mr. President, if the Senator will read further in the RECORD he will find that the junior Senator from Pennsylvania [Mr. GUFFEY] later stated that he could not accept it. There was further discussion of it.

Mr. DAVIS. I know he accepted the amendment at the time I presented it.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania [Mr. DAVIS].

The motion to reconsider was rejected.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 769. An act authorizing the Secretary of the Interior to furnish mats for the reproduction in magazines and newspapers of photographs of national-park scenery;

S. 2686. An act authorizing the reenlistment of John Mudry in the United States Army;

S. 2997. An act for the relief of the Greenlee County Board of Supervisors;

S. 3581. An act for the relief of John L. Pennington;

S. 3594. An act to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine

Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Va., on October 27, 1938," approved July 19, 1939;

S. 3741. An act for the relief of Charles P. Madsen;

S. 3866. An act for the relief of George W. Coon;

S. 3975. An act granting to certain claimants the preference right to purchase certain public lands in the State of Florida;

S. 4011. An act to authorize the Secretary of the Interior to accept payment of an annual equitable overhead charge in connection with the repayment contract between the United States and the Strawberry Water Users' Association of Payson, Utah, in full satisfaction of delinquent billings upon the basis of an annual fixed overhead charge, and for other purposes;

S. 4137. An act relating to transportation of foreign mail by aircraft; and

H. R. 9751. An act for the creation of the United States De Soto Exposition Commission, to provide for the commemoration of the four hundredth anniversary of the discovery of the Mississippi River by Hernando De Soto, the commemoration of De Soto's visit to the Chickasaw Territory in northern Mississippi, and other points covered by his expedition, and the two hundred and fifth anniversary of the Battle of Ackia, and for other purposes.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. LEE. Mr. President, I offer an amendment which I send to the desk and ask to have stated. The amendment has to do with drafting capital in time of war.

The PRESIDING OFFICER. The amendment offered by the Senator from Oklahoma will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following new title:

TITLE II

It is hereby declared to be the policy of Congress that in case of a national emergency which calls for the draft of manpower the financial resources of the country shall be mobilized for national defense by drafting capital.

Mr. LEE. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with, and that the amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ADAMS. Mr. President, I should like to have the amendment read.

The PRESIDING OFFICER. Objection is heard.

Mr. LEE. I ask that the clerk read it not too rapidly, so that it may be understood.

The PRESIDING OFFICER. The clerk will resume the reading.

The Chief Clerk read as follows:

SEC. 201. Whenever war or the imminence of war creates an emergency which in the judgment of the President is sufficiently serious to necessitate an increase in the Military Establishment by the drafting of manpower, the President is authorized and directed to cause to be taken a census of the net wealth and income of every citizen of the United States, every resident alien, and every nonresident alien having any wealth in the United States. Upon the completion of such census, the President shall cause to be computed each person's ability to lend to the Government and shall classify all persons accordingly.

Mr. LEE. Mr. President, I renew my unanimous consent request that the further reading of the amendment be dispensed with. If any Senator desires a copy of the amendment, it is printed, and I have a few copies on my desk. I intend to explain it.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent that the further reading of the amendment be dispensed with.

Mr. WHEELER. Mr. President, I should like to have the amendment read.

The PRESIDING OFFICER. The Senator from Montana objects. The clerk will resume the reading.

The Chief Clerk read as follows:

SEC. 202. (a) Whenever it becomes necessary for the Government to borrow money for the prosecution of war or to provide for such expenditures for national defense as may be necessary to meet any emergency which in the judgment of the President necessitates an increase in the Military Establishment by the drafting of manpower, the Secretary of the Treasury shall, from time to time, determine the sums which are necessary for such expenditures and shall issue bonds in convenient size and denominations for such sums. Such bonds shall not be transferable, shall bear interest at a rate not in excess of 1 percent per annum, and shall not be tax exempt either as to principal or interest.

(b) The President shall prorate among the persons covered by any census taken pursuant to this act the sums which such persons are required to invest in each separate issue of such bonds. Such proration shall be on a graduated scale similar to that of the graduated income tax, so that each person shall be required to invest according to his ability. This proration shall be repeated from time to time as long as it is necessary for the Government to borrow money to meet the emergency which necessitates an increase in the Military Establishment by the drafting of manpower.

Mr. ASHURST. Mr. President, I ask the Senator from Oklahoma if he will yield to me for a question?

Mr. LEE. I yield.

Mr. ASHURST. For some time—more than a year to my knowledge—the able Senator from Oklahoma has been urging that if there is to be a draft of men there should be a draft of property. It is a singular circumstance, and one worthy of comment, that very few of the advocates of drafting men ever use those words. They use the euphemistic term "selective service." They shy away from draft as a horse would shy away from a Navajo blanket. They do not like the word "conscription." They soften it down with a great deal of euphemy. Even a distinguished candidate for President did not use the word "draft" or the word "conscription." I am not blaming him. He is a politician. Politicians are the only ones who are ever elected. [Laughter.] I call attention to the fact now only because a test is coming, and I earnestly hope that the Senator from Oklahoma will ask for the yeas and nays on his amendment.

Mr. LEE. I thank the Senator. I shall do so.

Mr. ASHURST. It is perfectly constitutional to draft wealth, just as it is constitutional to draft men. I have heard some of the very able lawyers of the Senate say, "We cannot draft men except in time of war." I do not agree with them. We can draft men in time of peace if we choose to do so as a matter of policy. It has been demonstrated, and I believe lawyers throughout the country generally recognize, that the Congress has the power to prevent the further issuance of tax-exempt securities. Congress has the power to pass retroactive legislation—not ex post facto legislation—levying an income tax on bonds heretofore issued, although the bonds on their face may state that they are not taxable. Congress has that right.

Therefore it seems to me that the Senator from Oklahoma is on fairly safe ground. His proposal is constitutional. It will be interesting to see how many Senators wish to draft blood but pause and shrink when it comes to drafting money. I realize that Joseph Addison said that the most cowardly thing in the world is money—not men who have money, but money. It shrinks under the slightest touch or pressure. As a memorial to the courage of the Senate I shall preserve the roll card indicating those who are willing to draft blood but who shy away from drafting money and refuse to do it.

I ask the Senator to explain the amendment a little further. Is it the bill he has been urging for about a year, which proposes to draft wealth as well as men?

Mr. LEE. It is.

Mr. ASHURST. Very good. I shall take pleasure in supporting it.

Mr. LEE. I thank the Senator.

The PRESIDING OFFICER. The clerk will resume reading.

The Chief Clerk read as follows:

(c) Each such person shall purchase such bonds in the amounts so allotted and within the time so prescribed.

(d) The borrowing power of the United States under this act shall not be exercised after the termination of the emergency which brought such power into existence.

Mr. ASHURST. Mr. President, I am a man who believes in private property. I think it is the duty of citizens to acquire private property. I have no envy toward a man because he has a million dollars or \$10,000,000. I do not ask how much he has, but how he got it. That is all the American Government has the right to ask. We do not care how much he has, but how did he get it? Is he making his proper contribution to the Government?

Some years ago many persons believed that Russia was a great experiment, a great government. Mr. President, Russia was doomed to fall and fail the day she started, for the reason that the Russian scheme transcended and violated certain inviolable, ineradicable instincts of human kind. In every race there are three yearnings which cannot be eradicated by any human law:

First, someone for whom to care—someone to love, if you please. The Russian Government tried to eradicate that.

Second, something in which to believe. The Russian Government tried to uproot that.

Third, something to possess. The Russian Government tried to obliterate that.

So, Mr. President, it cannot be said that I wish to take away private property from men. I welcome the citizen sedulously and daily engaged in the effort to acquire more property; but if the time has come to lay the long hand of the law, the long arm of the power of Government, on the sons of the Republic and march them to a bloody death, surely we are sportsmen enough also to draft the wealth to pay for the same war.

I thank the Senator.

Mr. LEE. I thank the Senator from Arizona.

The PRESIDING OFFICER. The clerk will resume reading.

The Chief Clerk read as follows:

Sec. 203. (a) The President is authorized, in his discretion, to provide, under such rules and regulations as he may prescribe, for the acceptance by the United States of property or services which are valuable for the prosecution of war or the improvement of national defense in payment for the bonds provided for by section 202 of this act. Such rules and regulations shall provide for the method of valuation of any such property or services.

(b) The President is further authorized to provide, under such rules and regulations as he may prescribe, for the acceptance from any person, in payment for the bonds authorized by section 202 of this act, of notes or other obligations of such person, bearing interest at a rate not to exceed 5 percent per annum and adequately secured by liens upon specified property.

Mr. ASHURST. Mr. President, will the Senator further yield?

Mr. LEE. I yield.

The PRESIDING OFFICER (Mr. MINTON in the chair). The clerk has the floor.

Mr. ASHURST. I do not wish to interrupt the clerk. He has served in this body longer than I have. [Laughter.] I should rather hear his voice than hear my own; but I crave permission to make an amplification of my statement.

In using the words "draft property" I am in favor, if necessary, of drafting the corpus of the estate, the body of the property itself. However, I hope the able Senator from Oklahoma will give consideration also to a provision for drafting income. There is quite a distinction between the income from an estate and its corpus. I hope the Senator will give some attention to the question of drafting the income first, because the corpus which produces the income would probably last longer. Therefore, while I am perfectly content to vote for the amendment as I understand it, drafting the corpus, as a matter of conservatism, as a matter of justice, and as a matter of getting revenue, it might be well to provide in the amendment for the drafting of the income. I think the Senator gathers my meaning.

Mr. LEE. I shall deal with that question when I have the opportunity. I tried to have the further reading dispensed with, but twice Senators objected, and rightly so.

Mr. ASHURST. I hope Senators will manifest no irritation because the amendment is being read. I doubt very much if the country would excuse us for voting on the amend-

ment without having it read. I am wholly in favor of having the amendment read before we vote upon it.

The PRESIDING OFFICER. The clerk will resume reading.

The Chief Clerk read as follows:

Sec. 204. (a) The President is authorized to establish such boards, agencies, and tribunals and to promulgate such rules and regulations as may be necessary for carrying out the purposes of this act.

(b) The President is authorized to employ such officials and employees and to make such expenditures as may be necessary to carry out the provisions of this act.

Sec. 205. (a) Whoever shall knowingly violate any rule or regulation of the President under this act, on the conviction thereof, shall be fined not more than \$5,000 or imprisoned not more than 2 years, or both.

(b) Whoever shall willfully refuse or fail to purchase the principal amount of bonds which he is required to purchase under this act shall, upon the conviction thereof, be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

Sec. 206. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

It is also proposed to amend the title so as to read:

A bill to protect the integrity and institutions of the United States through a system of selective compulsory military training and service and to mobilize the financial resources for national defense by a draft of money according to ability to lend.

Mr. LEE. Mr. President, there is perhaps more misunderstanding about this proposal than any other proposal which has been made, judging from the statements I find—

Mr. ELLENDER. Mr. President—

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Oklahoma yield to the Senator from Louisiana?

Mr. LEE. I yield.

Mr. ELLENDER. I desire to make a point of order, that the amendment of the Senator from Oklahoma is not in order for the reason that the amendment is in contravention of section 7, article I, of the Constitution, which reads:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Mr. LEE. Mr. President, I believe that is a point of order on which the Senate itself must pass, and therefore I shall proceed to explain the amendment.

There are many people who propose to support a thing as long as it is in general or abstract terms, but once it is put into a specific bill they say, "Oh, I favor the general proposition, but I do not favor this specific bill." There will be a number of Senators who will also undertake to hide behind a parliamentary technicality, that this is not an appropriate time or place to vote on this amendment.

I wish to explain the amendment, and then if the Senate, which has the authority, decides it is not appropriate at this place, of course, that decision will be the decision of the Senate.

In the first place, let me say a few things the amendment does not provide. It does not provide for the seizure of property, as some have stated it does. It is not a tax measure. It does not provide for any tax at all. It provides rules and regulations for the mandatory sale of bonds for the purpose of financing either defense, as in the present situation, or for financing the prosecution of war, if war should come.

It is to take effect upon two eventualities; first, in case an emergency is such that it calls for the drafting of manpower; and secondly, in case it is necessary to borrow funds for the purpose of financing defense.

Today we have our tax measures. This is not a tax measure. But we have voted \$14,000,000,000 to finance our defense program. How are we to get that \$14,000,000,000? The contracts will soon be ready. We do not have the money in the Treasury. Where are we to get the money to meet those contracts? We are going to borrow the money. How did we borrow money for the prosecution of the World War? We sold war bonds on a voluntary basis.

My proposal does not provide for seizing anyone's money. It provides for the mandatory sale of bonds in proportion to

ability to lend, just as we raise taxes in proportion to ability to pay.

Today we are confronted with a crisis. We are considering a method of mobilizing manpower. We have a Council of National Defense, organized for the purpose of mobilizing industry, of which Mr. Knudsen is a member. I propose in this amendment to provide means of mobilizing the financial resources of the country.

Under this proposal the President would cause to be taken a financial census, or a census of the net wealth and income of the people of the United States, and then citizens would be classified in a manner similar to the classification under the graduated income-tax law, so that the man most able to lend could lend in proportion to his ability.

The selective draft of men is supposed to take men in proportion to their availability. A graduated income tax requires people to pay in accordance with their ability to pay. This proposal is a method of borrowing money in proportion to people's ability to lend.

When the Treasury Department undertakes to sell the \$4,000,000,000 worth of bonds, which will be the first to be sold, how will it get people to buy them? Either by making the bonds attractive on the ground of being profitable to the purchaser, or because of pressure put on the purchasers. Neither of those methods is a fair criterion for determining the amount of bonds a person can buy. Every proposal should be considered in the light of the alternative. What is the alternative to this proposal? The alternative is a begging campaign, begging the people of the United States to buy enough bonds to pay for the materials used by the boys we are drafting by compulsory measures.

Mr. BONE. Are we not rather begging them to volunteer their money instead of conscripting it?

Mr. LEE. Exactly.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. WHEELER. The distinguished Senator from Arizona [Mr. ASHURST] a moment ago made the statement that it was perfectly constitutional to draft men in peacetime. I would say to the Senator that there is a serious doubt in my mind whether or not a peacetime draft would be constitutional, and I wish to call attention to the fact that the Supreme Court of the United States, when it upheld the selective-service draft law, specifically stated, through Justice Cardozo, that in wartimes the Government had a right to have a draft. He expressly eliminated the question as to whether or not peacetime draft would be constitutional.

I call attention to the fact also that Daniel Webster, who was looked upon as probably one of the greatest constitutional lawyers of all time, made a speech on the floor of the Senate, a copy of which I have, in which he said that peacetime conscription was unconstitutional. He said that conscription of property was unconstitutional, but stated there was far more justification, under the Constitution of the United States, for drafting property, or for the Government taking over property, than taking over the life of a man. He made a great speech on the floor of the Senate on the subject.

In the course of a few days I expect to present to the Senate a brief, written by some of the best lawyers in this country, in which they have contended that a peacetime draft is unconstitutional. They review the history of peacetime draft from the time of Magna Carta down to the present. It is a very convincing brief upon the whole subject.

I agree fully with the Senator from Oklahoma that if we are to have a peacetime draft of men there can be no reason under the sun why we should not have a peacetime conscription of property.

I also agree with the Senator from Arizona. I want to see the men who stand on this floor and advocate peacetime conscription of soldiers vote on conscription of property. I want to see some of the great and influential New York lawyers who are advocating peacetime conscription squirm when we talk about conscripting property. They would never vote for and they would never advocate peace-

time conscription of property. Nor would any of the great newspapers which are now advocating peacetime conscription of men dare to carry editorials in their papers advocating peacetime conscription of property.

Mr. LEE. Oh, no. They hold me up as a hairbrained, wild lunatic because I merely advocate it.

Mr. WHEELER. Of course. The Senator is to be commended when he advocates peacetime conscription of men, but he is a hairbrained lunatic, to use his own language—

Mr. LEE. That is their language, not mine. [Laughter.]

Mr. WHEELER. I mean the language the Senator said they used about him.

Mr. ASHURST. Mr. President, I should be lacking in frankness if I failed now to say that I agree with the Senator from Montana [Mr. WHEELER] that there is doubt as to the validity of peacetime conscription. The Senator and I agree that we do not need conscription now. Therefore we will not quarrel about the constitutionality of such a measure. I happen to believe, after some investigation, that it would be constitutional.

Mr. President, many things may be constitutional that are not necessary, that are not needed. I agree with the Senator from Montana that Mr. Justice Cardozo did say that the question of the validity of peacetime draft was specifically reserved. Is that correct?

Mr. WHEELER. Yes.

Mr. ASHURST. Therefore it may be considered an open question, but my opinion is—and it is of no more validity than that of any other lawyer in the Chamber—that it would not be unconstitutional. I was speaking purely as a matter of policy.

Mr. President, more than 300 years ago there was a man who uttered the statement—and I have been trying for a year to find out who he was—

Whenever it is not necessary to do a thing it becomes necessary not to do it.

Whoever uttered that I do not know, but it is worthy of remembrance—

Whenever it is not necessary to do a thing it becomes necessary not to do it.

That statement is worthy of consideration by statesmen, by those engaged in the practice of medicine and by men in other activities of life.

So I say that, of course, those who advocate a draft of the wealth of the country will be very much traduced by the coupon clippers, and the coupon clippers will be invincible in peace and invisible in war.

If our Nation is in peril, of course, I shall vote for the draft. I voted for the draft in 1917. I have no apologies to offer for having done so.

Mr. LEE. Mr. President, it is so appropriate and in point that I wish to read what the two major political parties have said with reference to this proposition.

Mr. ASHURST. To draft property?

Mr. LEE. To draft property. In 1924 the Democratic platform included this statement:

War is a relic of barbarism, and it is justifiable only as a means of defense.

In the event of war in which the manpower of the Nation is drafted, all other resources should likewise be drafted. This will tend to discourage war by depriving it of its profits.

Mr. ASHURST. Is that quotation from the Democratic platform?

Mr. LEE. That was in the Democratic platform of 1924. I now read an excerpt from the Republican platform of the same year.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. WHEELER. Has the Senator the Democratic platform of 1920?

Mr. LEE. I do not have it here.

Mr. WHEELER. I was going to say that the Democratic platform of 1920 went on record against peacetime conscription. I may also say to the Senator that I have in my office a quotation from Woodrow Wilson, whom the distinguished

Senator from Florida [Mr. PEPPER] the other day very rightfully praised. Woodrow Wilson also went on record against peacetime conscription. Our former President made a very strong comment upon that subject.

Mr. PEPPER. When was that statement made by President Wilson?

Mr. WHEELER. I have it in my office. I cannot say off-hand, but as I recall it was a year or so before we entered the war. I am not sure of the exact date.

Mr. LEE. Let me read what the Republican platform of 1924 said:

We believe that in time of war the Nation should draft for its defense not only its citizens but also every resource which may contribute to success. The country demands that should the United States ever again be called upon to defend itself by arms the President be empowered to draft such material resources and such services as may be required, and to stabilize the prices of services and essential commodities, whether utilized in actual warfare or private activity.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. PEPPER. Perhaps I missed it, but has the Senator referred to the declaration of the American Legion on the subject?

Mr. LEE. I was just coming to that, and since the Senator brought it up, let me quote from that declaration. The American Legion made its first declaration in 1922. So definite were the ex-service men in announcing their desire for such legislation, that Representative Royal C. Johnson, of South Dakota, who introduced the bill in Congress which created the American Legion, also introduced on September 21, 1922, a proposed amendment to the Constitution of the United States on the theory that it was not constitutional to draft capital. I think it is definitely constitutional, but for fear it was not, the following proposed enabling act was introduced by Representative Royal C. Johnson:

That in the event of a declaration of war by the United States of America against any foreign government or other common enemy the Congress shall provide for the conscription of every citizen and of all money, industries, and property of whatsoever nature necessary to the prosecution thereof, and shall limit the profit for the use of such moneys, industries, and property.

That was the first effort to secure legislation to draft money in case of war. It was adopted by the American Legion convention in New Orleans October 16, 1922. From that time until 1930, Representative Royal C. Johnson continued to reintroduce it.

The senior Senator from Kansas [Mr. CAPPER] introduced a similar bill in the Senate. The bill was originated by those who first organized the American Legion, and its language is very plain. It says:

The Congress shall provide for the conscription of every citizen and of all money.

That was in the proposed enabling act, which never was passed. I think that provision was entirely unnecessary. The Constitution says:

The Congress shall have power * * * to raise and support armies.

The phrase "and support" is just as much a part of the Constitution as the phrase "to raise." If Congress has power to call men to the colors by mandate, it has constitutional power to enact legislation to raise the means of supporting the Army, for later in the same section the Constitution provides:

To pass all laws which shall be necessary and proper for carrying into execution the foregoing powers.

The amendment I am offering would come under that authorization of the Constitution—

To pass all laws which shall be necessary and proper for carrying into execution the foregoing powers.

What powers? To raise and to support an army. There are two constitutional powers. One is to raise an army; the other is to support that army. What good is an army without food, transportation, and arms? Therefore it is necessary for the Congress to have the same power to support the Army as it has to raise the Army.

We call men to the colors by mandate, and yet we go forth and beg for enough money to pay for the beans they eat before they are shot. We raise an army of men by force, and we support that army by grace.

Mr. ASHURST. Mr. President, I really feel that I should not mar the Senator's speech—

Mr. LEE. I am glad to have the Senator's contribution.

Mr. ASHURST. But I remember something to the effect that the Senator was called "a wild"—what was the phrase?

Mr. LEE. I do not want to emphasize it or call attention to it.

Mr. ASHURST. Mr. President, I have known men of physical courage who could face the cold pistol barrel of an opponent and never flinch. That is a degree of courage I am proud of in other men. I myself do not have it, but I am proud to see it in other men. Yet a man who could face a cold pistol barrel might literally shrink and wither under ridicule.

Mr. President, if a man is to be a statesman he does not need to have the courage required to face the cold pistol of an opponent; but if he is to be a statesman of any utility he must face, without shrinking, with good nature, and apparently with a liking for it, ridicule which would blister the paint on this desk. If the Senator expects to get anywhere—and I believe he will travel far, because he is young and able—he must be able, I repeat, to face ridicule which would blister the paint on this desk.

Take Dr. Townsend's plan for old-age pensions. When he proclaimed his plan a wave of ridicule went over the country. Now it has successfully passed beyond the stage of ridicule; it has survived ridicule and has now reached the stage of argument. It will survive the stage of argument, and as soon as Congress is ready will come to the stage of enactment. So it is with the proposal of the Senator that if we are to draft men we should also draft the income or the corpus of estates—preferably the income. If the Senator can stand the ridicule, he will have advanced one step forward in a great reform. Then if he can survive the stage of argument, he will pass on to the stage of enactment.

Here is my able friend from my neighbor State of New Mexico [Mr. HATCH], quiet, unobtrusive, and a very able citizen. He introduced a bill which met with ridicule from the Republican Party, and even greater ridicule from his own party. Quietly, unobtrusively, serenely, and ably, without trying to do too much the first year and thereby dying of indigestion, he attempted, step by step, to put through a great reform. When we are gone and people read from musty tomes what some of us have said, the Senator from New Mexico will be gratefully remembered by posterity as a man who helped to clean politics in America. Suppose he had fallen at the first fire of ridicule? He would have demonstrated that he was not a great statesman, because he would have lacked the moral fiber which drives through great reforms.

Here is my very eloquent friend the Senator from Florida [Mr. PEPPER]. I do not agree with some of his conclusions, but it must be the judgment of the country and of the Senate that he has, with courage and ability, urged and advocated the things in which he believes with respect to certain features of world affairs. He is exempt from ridicule. He is exempt from criticism because of the courageous and brave way in which he has proceeded with his arguments.

Here is my able friend from North Carolina [Mr. REYNOLDS]. When he first began to talk about deporting criminal and unauthorized aliens, Senators would say, "Oh, Bob REYNOLDS is talking again about deporting aliens. Let us go to lunch." [Laughter.] But he kept at it. He did not wither under the first fire. If a vote were now taken, the criminal and unauthorized aliens who are here undermining our Government would be deported. The Senator had the moral courage and fiber to stand up for his principles. That is what makes a man a statesman. It is not mellifluous talk, scholarship, and all that. People like those things, but they do not advance one very far. It is the ability to go far with great problems which makes a statesman.

Here is the able Senator from Texas [Mr. SHEPPARD], my friend for more than 30 years. I do not agree with his bill. I shall vote against it. But surely there cannot be a man so lost to statesmanship or good will that he would refuse to pay the senior Senator from Texas a tribute for his courage, his moderation, and his scholarship in driving through, or attempting to drive through, a bill which I think is not a good bill.

Mr. SHEPPARD. Mr. President, I should like to express my appreciation of what the Senator from Arizona has said regarding myself. I deeply appreciate it.

Mr. BARKLEY. Mr. President, does the Senator from Oklahoma desire to conclude his remarks today, or does he prefer to suspend for the day at this point?

Mr. LEE. I should prefer to resume tomorrow, if I may be recognized.

The PRESIDING OFFICER. The Senator will be recognized if the present occupant of the chair is in the chair when the Senate convenes tomorrow.

Mr. BARKLEY. With that understanding, I shall ask the Senate to suspend because we have been in session for 6½ hours.

VOYAGE OF S. S. "AMERICAN LEGION"

Mr. BONE. Mr. President, because what I am about to say is now timely, and because unhappily for the country it may not be timely by way of protest within an hour from now, I rise to utter a protest against the actions of the State Department in connection with the movement of the Army transport *American Legion* from Petsamo to the United States.

Today in the Washington News appears an article by Mr. Raymond Clapper, which I think is one of the most timely observations I have been privileged to read since I have been a Member of the Senate. He exemplifies in the article one of the difficulties implicit in the whole business of establishing foreign relations which are understandable to Members of Congress.

Under our Government, one man—for obviously it must be one man, either the Secretary of State or the President—has the power, and has exercised the power, to drive this vessel, the *American Legion*, with 900 human beings aboard, through a mine field where it may be sunk. By the simple, sane, wholesome, horse-sense operation of permitting the vessel to go a few miles out of that course, she might avoid the horrible dangers which, at the very moment I am standing on this floor, threaten the vessel and the lives of 900 people.

We talk about the powers exercised by the rulers of totalitarian governments; and yet under our flag one man in this city, by his ipse dixit, can order a vessel through the most dangerous seas on this earth, where she may at any moment be sunk, thereby producing the most inflammatory incident that has yet occurred in the war. Is there a Senator who does not appreciate what it would mean if the word should come that the ship had been blown up? Yet the stubbornness—I think I am choosing a very mild word to characterize that kind of an act—the stubbornness of one man sends 900 human beings into a zone where they may be blown skyward at any moment; and this body of 96 United States Senators has not a word to say about it.

We talk about totalitarian government. Will some Senator rise and tell me that he has some right to protest, and, if so, how much good it would do? Such is the power which our State Department, or the President of the United States, has.

Mr. President, at the conclusion of my remarks I shall ask that the article by Mr. Raymond Clapper be printed in the RECORD as a part of my remarks. He said:

We need particularly to know why the Government has insisted upon sending her through dangerous mine fields at the risk of plunging the United States into war with Germany.

We may need to know why, but shall we know why? A resolution ought to be introduced in the Senate and passed by unanimous consent, demanding of the State Department why it elected to send the vessel through mine fields when, by the simple expedient of changing her course by a few miles, she could have escaped that danger.

Mr. President, the ship may, by the grace of God, escape any trouble; and 130,000,000 Americans ought to get on their knees tonight, even though they be heathens, and pray to Almighty God that the ship will come safely through those waters, because if, by some terrible catastrophe, she is blown out of the water because of striking a mine, the charge will be made in this body that she was torpedoed by a German submarine, and no one will know the truth. We shall never know the truth. It will be obscured and shrouded.

Yet such an incident would be an inflammatory and provocative thing which might precipitate this country into war within a week.

Mr. President, the hair-trigger and supersensitive emotional nature of Americans at this moment—made so in no small part by the argument going on in this body—is like a great box of TNT, ready to explode. Yet the State Department says, "No; we are going to have that ship go through a mine field." I wonder upon whose soul would rest the moral obloquy which would attach to the death of innocent people if the ship should strike a mine when it could find a safe course.

It is time for the Congress to ascertain whether or not it performs some other function than merely declaring war after some fellow has delivered war to us as a fait accompli. That is the way wars will be made from now on. We talk about dictators making wars. God bless your souls! The kind of war we shall have in the future will be made by some official, not a Member of Congress. We shall merely go through the outward form of declaring war after some of our servants whom we ought to chastise have delivered war to us as an accomplished fact. We shall be in war before we know it, under the doctrine of reprisal, which was discussed on the floor the other day by the able Senator from Utah in response to my inquiry as to why the American Fleet bombarded Vera Cruz, Mexico. The Senator said that was done under the doctrine of international law which we know as reprisal.

Suppose the *American Legion* should be sunk, and the President should assume that it was a deliberate act of Germany. The vessel might be sunk by a mine, but who would know? If it were accomplished in the dark, who would know? Under the doctrine of reprisal the President of the United States might decide to send the fleet over to blast Hamburg. Apparently there is ample authority for it in the precedents we have established in our own undeclared wars, such as our undeclared war on Mexico and our undeclared war on Nicaragua. We are not coming into court with utterly clean hands in the matter of undeclared wars.

Another moment and I shall be through. This is something so overwhelming in its possibilities of supreme tragedy for 130,000,000 people that I should feel recreant in my duty as an American if I did not rise now, before it may be too late. Pray God that I may be wrong in even voicing the fear. I hope the fear is utterly misplaced; but I rise to point out that if anything should happen to the *American Legion* none of the moral responsibility would attach to Members of Congress. It would attach to a man who ought to be made to answer to us for that kind of business.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. PEPPER. If the Senator wishes to measure very nice moral values for the course of the executive department, I wonder if the words he is now uttering are likely to cause greater danger to the ship?

Mr. BONE. I do not know how anything I utter here in the Senate Chamber can affect a ship 3,000 miles away in mined waters. If the able Senator from Florida can explain how it could, I wish he would do so now.

Mr. PEPPER. I say that the words of the Senator are giving aid and comfort to an enemy that might want to sink it.

Mr. BONE. O merciful Heaven! I have heard many funny arguments in this body, but I did not think we would get around to that type of humor when dealing with this sort of matter. I am fed up with the idea of somebody aiding enemies because his statements disagree with the

views of the Senator from Florida, who wants the country to go into war, and said as much on this floor.

Mr. PEPPER. The Senator—

Mr. BONE. I do not yield.

Mr. PEPPER. The Senator tells a falsehood when he makes that statement.

Mr. BONE. I am not yielding to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. BONE. I am not interested in his bellicose views. If he does not like what I am saying, there are a number of exits from this Chamber.

Mr. Raymond Clapper, who is not unfriendly toward the present administration, who has been something of an admirer of it, says:

But what about the 900 refugees aboard the *American Legion*? Why are their lives being risked in a bull-necked gesture of defiance? Defiance against what? Defiance of floating mines, with the idea that if we have bad luck we'll blame it on Germany.

I do not know who would be responsible for the sinking of that ship if it should sink. I know, and I now say to the Senate, and if anyone cannot understand this simple presentation, then I do not know how to use my mother tongue, the State Department, according to the record, said to the captain of this vessel, "Go through certain areas." Those areas are mined. The vessel by going on a slightly circuitous route could have avoided the mine field. If the vessel is destroyed, then America will flame up. We have kept our ships out of danger zones under the Neutrality Act, and thus far, according to very responsible authorities in this country, we have escaped the most inflammatory situations such as those that arose during the World War.

We can pose to ourselves now the question, Why does the State Department assume the attitude it takes?

I ask that the entire article written by Mr. Clapper be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, of August 20, 1940]

DANGEROUS DEFIANCE

(By Raymond Clapper)

We need some light from the Government upon the perilous voyage of the Army transport *American Legion*. We need particularly to know why the Government has insisted upon sending her through dangerous mine fields at the risk of plunging the United States into war with Germany.

As this dispatch is written the German Embassy here has just stated that the American Army transport is in grave danger and will be for the next 12 hours because it has persisted in taking a course through mine-infested waters north of Scotland. The United States Government doesn't deny the danger, but seeks to blame Germany for the consequences if the worst should happen.

The Army transport is returning from a rescue mission, bearing 900 refugees, mostly Americans, bound from Finland to New York. Among the civilian passengers is Mrs. J. Borden Harriman, United States Minister to Norway, and the wife and children of Frederick A. Sterling, American Minister to Sweden.

At this moment, one can only pray that the transport with her cargo of unoffending refugees will come safely through the mine fields. She is conspicuously marked, is brightly lit at night, and probably has nothing to fear from airplanes or submarines. The danger is that she will hit a mine. Peace possibly hangs just now on the luck of the transport *American Legion*.

There is a good deal of mystery as to why the Army transport on its return from its rescue mission has been ordered to take such a dangerous route and why this Government has refused to alter that route when warned of the mine fields in the path.

The present course of the *American Legion* lies farther south than the direct route to New York. When asked why the *American Legion* was not routed farther north, State Department spokesmen called attention to the fact that a few weeks ago the Navy Department warned mariners that the waters around Iceland and the Faroe Islands were unsafe. Presumably the British had mined them. Meantime, British waters have been mined under the new German attempt to blockade England, and the *American Legion* was heading into that danger zone when Germany suggested that the course be changed. It may be that no safer course can be found. Acting Secretary of State Sumner Welles said that the route chosen by the Army and Navy was considered the safest one.

The controversy is being carried on through exchanges of diplomatic notes between Washington and Berlin, and side exchanges through press conferences by both parties. Each side is trying to fix responsibility upon the other and is making a record for use if the tragedy should occur.

But what about the 900 refugees aboard the *American Legion*? Why are their lives being risked in a bull-necked gesture of defiance? Defiance against what? Defiance of floating mines, with the idea that if we have bad luck we'll blame it on Germany?

Perhaps under the present cover of secrecy there are reasons to justify this reckless flirtation with disaster and war. Congressional committees should find out whether such justification exists.

Mr. HATCH. Mr. President, in recent days debate has at different times taken on a personal turn. We do not know how heated the debate may become in the days which lie ahead. I rise to read into the RECORD section 2 of rule XIX of the Senate Rules:

No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. PEPPER. Mr. President, when one says he speaks as clearly as the English language would allow him, I do not know why other Senators might not be accorded the same privilege, and their utterances given the same respect. Because I have advocated on this floor, and because I intend to continue to advocate as long as I am here, and wherever else I happen to be, a policy which I believe is best adapted to the defense of the United States of America, thinking only about the United States of America, intending at no time to send any soldier, sailor, airman, or citizen to fight in any foreign country or foreign war, there are certain Senators who have availed themselves of every possible opportunity to charge, in spite of repeated and reiterated declarations to the contrary, which I have made here, that I wanted to take this country into war.

I hope the Senator from Washington will forgive me if, out of a feeling of some depth on this subject, I spoke more harshly a moment ago, when the Senator undertook to ask me a question, than perhaps the proprieties of the Senate and my own inclinations would have deemed desirable. To that extent I wish to retract the statement I made in addressing the Senator from Washington, who is a very able and devoted friend of mine.

I beg to advise the Senator that his assumption that I want this country to go to war is contrary to my reiterated declarations on that subject; contrary to both my intentions and my desire.

I think that Senators might also recall that when they endeavor to place upon the President of the United States a charge as serious and solemn—and which I conscientiously think is unjustified—as the charge which has just been made by the very able Senator from Washington, the proprieties of the Senate likewise counsel caution and restraint in these troublous times on the part of us all. Insofar as I have been delinquent in observing that obligation, I am sorry, and I hope I shall not again offend.

Mr. BONE. Mr. President, I hope my good friend from Florida does not assume that I think that he is wholly wrong in many things, because I am so much in agreement with him in most of his views, and particularly his economic views, that I find it a little difficult to disagree with him on some of the issues which are immediately before us.

I have felt rather deeply about the situation in which this vessel finds itself, because it makes no difference whether it is the President of the United States or the Secretary of State or who it is, the point I raised was that by the vessel going a few miles out of her way she would avoid trouble.

That is only the horse-sense thing to do. We have no hesitancy in this body in sitting in judgment upon the views of our brethren. I know of no rule that makes the President of the United States or the Secretary of State sacrosanct. If we have reached such a point in our American life that one cannot criticize the judgment of the President, then we have reached a very peculiar stage in our development. We are going to criticize not only the President in the coming campaign but the man who is running against him. We are going to sit in judgment on his every act. The people have a right to do it; they have a right to sit in judgment on me, and, if I do not protest against some things I think wrong, the people will rise and rebuke me.

I disagree with the Senator from Florida without losing one iota of my respect for him, for I admire him very much

as an individual and as a fine, purposeful human being. We all here, in the heat of debate, are prone sometimes not to be just as sweet as we should be, and for that I ask the indulgence of my brethren. I hope they will be tolerant of me. I certainly bear no ill will to anyone for disagreeing with me, and I want the Senator from Florida to understand that if I have said anything to wound him, I am sorry, and I am sorry if I have wounded the feelings of any of the other of my brethren.

MEDITERRANEAN FRUITFLY ERADICATION

Mr. BURKE. Mr. President, yesterday the House adopted Senate Concurrent Resolution 40, which was agreed to by the Senate on April 17, and which provides for the creation of a special joint congressional committee to make a full and complete investigation with reference to the losses sustained as a result of the Mediterranean fruitfly eradication and quarantine campaign conducted in the State of Florida in 1929 and 1930.

The concurrent resolution provides that the joint congressional committee shall be composed of three members of the Committee on Claims of the Senate, to be appointed by the chairman thereof, and three Members of the House. As chairman of the Senate Committee on Claims I wish to announce the appointment of the Senator from Wyoming [Mr. SCHWARTZ], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Wisconsin [Mr. WILEY], as the members of the joint committee on the part of the Senate.

FIRST NATIONAL STEAMSHIP CO. AND OTHERS

Mr. BURKE. Mr. President, the House yesterday passed House bill 10141, for the relief of the First National Steamship Co. and others, conferring jurisdiction on the Court of Claims to hear and determine a certain suit. My reason for the request I am about to make that the matter be taken up is that on the 28th of May the junior Senator from Michigan [Mr. BROWN], speaking for the Senate Committee on Claims, offered the identical bill which passed the House yesterday as an amendment to House bill 4031, it was adopted by the Senate, and the bill was passed with that amendment on it. But the House preferred to handle the matter in separate legislation, and they have therefore passed and sent to the Senate House bill 10141. I ask unanimous consent for the present consideration of the House bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 10141) for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co., was read the first time by title and the second time at length, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear and determine in any suits instituted within 1 year from the date of the enactment of this act, jointly or severally, by the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co., the claims of such companies on account of (1) certain sums allegedly deposited by them with the United States Shipping Board in 1920; (2) certain disbursements allegedly made by them, for and on behalf of the United States, in 1920, for other than physical operation costs, in connection with the vessels *Independence*, *Hoxie*, and *Scottsburg*, owned by the United States; and (3) certain improvements and equipment allegedly placed aboard said vessels and not removed therefrom by said companies, in 1920; and if the court shall determine that there was no sale of, or valid contract to sell, said vessels to said companies, and that the payment made to said companies on October 7, 1935, was not in full payment of the just claims of said companies existing on that date, to enter such decrees or judgments against the United States as will provide full reimbursement and just compensation to such companies on account of said claims, notwithstanding any statute of limitations: *Provided*, That such compensation shall not be in excess of 3 percent per annum of the total of the payments made and ordered to be made for the period that any moneys were withheld from the claimants.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

WADE CRAWFORD

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2758) for the relief of Wade Crawford, formerly superintendent of the Klamath Indian Agency, which was, on page 2, line 5, after the word "Office", to insert a colon and the following proviso:

Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. THOMAS of Oklahoma. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CAPT. ROBERT W. EVANS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3400) for the relief of Capt. Robert W. Evans, which was, on page 1, line 8, to strike out "as a" and insert "in full settlement of all claims against the United States for the."

Mr. SHEPPARD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for promotion in the Regular Army.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

ARMY NOMINATIONS

Mr. SHEPPARD. I ask unanimous consent that the large number of routine Army nominations reported by me earlier in the day be confirmed.

The PRESIDING OFFICER (Mr. MINTON in the chair). Without objection, the nominations are confirmed.

Mr. SHEPPARD. I ask unanimous consent that the President be immediately notified of the confirmation of the Army nominations, and, in order to save unnecessary expense, I ask that they be not printed in the RECORD of today's proceedings but reference be made to the page of the RECORD in which they were transmitted to the Senate by the President.

The PRESIDING OFFICER. Without objection, the President will be notified, and, in accordance with the Senator's request, the nominations will not be printed in the RECORD.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

UNITED STATES TARIFF COMMISSION

The legislative clerk read the nomination of Edward Dana Durand, of Minnesota, to be member of the United States Tariff Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, August 21, 1940, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, August 20 (legislative day of August 5), 1940

UNITED STATES TARIFF COMMISSION

Edward Dana Durand to be a member of the United States Tariff Commission.

PROMOTIONS AND TRANSFERS IN THE REGULAR ARMY

(NOTE.—The nominations of persons named for promotion or transfer in the Regular Army, which were received on the 19th instant, were confirmed en bloc today. The names of the persons confirmed will be found in the CONGRESSIONAL RECORD of August 19, 1940, beginning on p. 10513, under the caption "Nominations.")

POSTMASTERS

KANSAS

Orval D. Allis, Virgil.

WISCONSIN

Frank S. Dhooge, Ashland.
William Wright, Kewaunee.
Fred W. Krohn, Mount Hope.
Joseph C. Harland, Mukwonago.
Exilda L. Grendahl, Sheldon.
Samuel Dewar, Westfield.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 20, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Eternal God, who art the light of all that is true and the glory of all that is beautiful, may this be a day of unclouded vision. Grant that our vision of truth and justice, of righteousness and peace may be so clear and commanding that we shall rise up and follow it with all our mind, heart, soul, and strength.

May we daily give evidence, as citizens of the heavenly kingdom, that we are men of invincible good will, seeking to hasten the coming of that day when love shall be gloriously triumphant.

We pray that Thou wilt mingle all the nations of the earth in an alchemy of friendship. Transform and transfigure the heart of man with the touch of Thy spirit. Let our groping humanity out of chaos into that blessedness when heaven and earth shall be linked in every soul. To Thy name, through Christ, shall be all the praise. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 4271. An act to increase the number of midshipmen at the United States Naval Academy; and

S. 4272. An act to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," as amended.

The message also announced that the Senate recedes from its amendment No. 14 to the bill (H. R. 10030) entitled "An act increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes."

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial which appeared in the Texarkana Gazette on August 18 last.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MACIEJEWSKI. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD with reference to refugee children.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by Hugh Russell Frazier, The Propaganda for the Draft Is in Full Swing.

The SPEAKER. Is there objection to the request of the gentleman from Ohio.

There was no objection.

Mr. SWEENEY. Mr. Speaker, I also ask unanimous consent to extend my own remarks in the RECORD and to include therein an article entitled "From Benedict Arnold to the Government of Uncle Shylock."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by Richard L. Neuberger of the Portland Oregonian setting forth the possibilities of the Columbia River Basin in the Pacific Northwest.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. DICKSTEIN addressed the House. His remarks appear in the Appendix of the RECORD.]

THE MIDWEST AND THE DEFENSE PROGRAM

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ELLIS. Mr. Speaker, on yesterday within 2 hours after I had registered in this House what I thought to be a legitimate complaint by Members of the Middle West because our section has not as yet been selected as a location for any defense industry, I was told by a high-ranking Government official that a principal reason why we are getting no recognition is the fact that we have no power in that section.

Within 2 hours after I had registered my protest, by a strange coincidence, there was delivered to this House by the Speaker a report of the Army engineers and the Secretary of War recommending as a part of the flood-control program the construction on the White River in Arkansas and Missouri of two huge dual-purpose dams that would produce a total of 330,000 kilowatts annually.

Last May there was laid before the Flood Control Committee of this House a recommendation by the Secretary of War and the Chief of Engineers to the effect that power be included in the Norfolk Dam, also on the White River, which in itself would give us 48,000 kilowatts of electrical energy annually. Nothing has been done toward acting favorably on the recommendation.

Why should not the National Defense Council and the War Department then help us get the industries for these invulnerable areas by first recommending to this Congress the immediate construction of one or more of these dams, as it did the construction of the dam on the Tennessee? [Applause.]

[Here the gavel fell.]